





INDIANA  
STATE LIBRARY







Digitized by the Internet Archive  
in 2010 with funding from

Institute of Museum and Library Services under the provisions of the Library Services and Technology Act; Lyrasis Members and Sloan Foundation



**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**STATE OF INDIANA;**  
**BEING THE**  
**FOURTEENTH SESSION**  
**OF THE**  
**GENERAL ASSEMBLY,**  
**BEGUN AND HELD**  
**AT INDIANAPOLIS, IN SAID STATE,**

**ON MONDAY THE SEVENTH DAY OF DECEMBER, A. D. 1829.**

---

**INDIANAPOLIS:**  
**SMITH AND BOLTON, STATE PRINTERS.**

.....  
**1829.**

15409

# SENATE

OF

## THE STATE OF INDIANA.

*The fourteenth Session of the General Assembly of the State of Indiana commenced this day at ten o'clock, to wit: On Monday the seventh day of December, in the year of our Lord, eighteen hundred and twenty-nine, at Indianapolis, in the county of Marion, in conformity with the constitution and laws of the State.*

### PRESENT IN THE SENATE.

The Honorable Milton Stapp, Lieutenant Governor of the State of Indiana, and President of the Senate: who took the chair precisely at ten o'clock, and called the senators to order: Whereupon, calling the roll, it appeared there were present, the following senators, to wit:

*From the counties of Fayette and Union; Newton C. Claypool.*

*From the counties of Spencer, Perry and Crawford; John Daniel.*

*From the counties of Knox, Daviess and Martin; John Ewing.*

*From the counties of Marion, Hendricks, Hamilton, Hancock and Madison; Calvin Fletcher.*

*From the counties of Posey, Vanderburgh and Warrick; Thomas Givens.*

*From the counties of Jackson, Scott and Bartholomew; William Graham.*

*From the counties of Shelby, Decatur and Morgan; James Gregory.*

*From the county of Harrison; Daniel C. Lane.*

*From the counties of Vigo, Sullivan and Clay; Willian C. Linton.*

*From the counties of Monroe, Owen and Green; David H. Maxwell.*

*From the county of Franklin; John T. M'Kinney.*

*From the counties of Switzerland and Ripley; Stephen C. Stevens.*

*From the county of Dearborn; John Watts.*

And the following senators elected on the first Monday in August last, to fill the vacancies of those senators whose terms of service had expired on that day; as also those senators elected from the two new senatorial districts, erected by law at the last session of the general assembly of the State of Indiana: now appeared, and produced their credentials, to wit:

*From the counties of Orange and Lawrence; John G. Clendenin.*

*From the county of Washington; John Depauw.*

*From the counties of Clark and Floyd; John M. Lemon.*

*From the county of Wayne; Abel Lomax.*

*From the counties of Rush and Henry; Amaziah Morgan.*

*From the counties of Putnam, Montgomery, Tippecanoe and Carroll; Joseph Orr.*

*From the counties of Gibson, Pike and Dubois; David Robb,*

*From the counties of Jefferson and Jennings; John Sering.*

*And, from the counties of Randolph, Delaware, Allen and Cass; Daniel Worth.*

And having been sworn into office. by the Honorable Bethuel F. Morris, President Judge of the fifth Judicial Circuit of the State of Indiana, took their seats in senate.

On motion,

The senate proceeded to the election of a secretary;—Messrs. Daniel and Gregory having been appointed tellers; it was found that James Dill was elected Secretary, by a unanimous vote of the senate; and was thereupon sworn into office by the aforesaid Judge.

On motion by Mr. Morgan,

*Ordered,* That the senate do now proceed to the election of an Assistant Secretary; the same two senators remaining as tellers; when, upon counting the ballots, Charles H. Test, was declared to be duly elected Assistant Secretary of the senate, he having received twelve votes; which was a majority of all the votes given; he was thereupon called into the senate chamber, and sworn into office, as Assistant Secretary of the senate, by the Judge aforesaid.

On motion by Mr. Givens,

*Ordered,* That the senate do now proceed to the election of an Enrolling Secretary; the same two senators remaining as tellers; when, upon counting the ballots, James M. Ray was declared to be duly elected Enrolling Secretary of the senate; he having received twelve votes, which was a majority of all the votes given; and,

On motion by Mr. Graham,  
Mr. Ray was called into the senate chamber, and sworn into office, by Judge Morris.

On motion by Mr. Morgan,

*Ordered*, That the senate do now proceed to the election of a Doorkeeper; the same two senators remaining as tellers; when, after five several ballotings, James Ball was declared duly elected Doorkeeper for the senate during the present session, he having received on the fifth ballot, sixteen votes; which was a majority of all the votes given: he was then called into the senate chamber, and sworn into office by Judge Morris.

On motion by Mr. Maxwell,

*Resolved*, That the house of representatives be informed, that the senate have met, formed a quorum; and have elected James Dill, secretary, Charles H. Test, assistant secretary, James M. Ray, enrolling secretary, and James Ball, door keeper, and are now ready to proceed to legislative business.

*Ordered*, That the secretary of the senate communicate that information to the house of representatives.

And the Senate adjourned.

*Two o'clock P. M.*

The Senate assembled,  
And adjourned by common consent.

---

TUESDAY, DECEMBER 8th, 1829.

The Senate assembled.

The following message was received from the house of representatives by Mr. Lanier, their principal clerk, to wit:

MR. PRESIDENT:

I am instructed to inform the senate that the house of representatives have adopted the following resolutions, viz:

*Resolved*, That the clerk inform the senate that the house of representatives have met, formed a quorum, elected Ross Smiley, speaker, James F. D. Lanier, principal clerk, William Sheets, assistant clerk, Edward A. Hanegan enrolling clerk, John C. Parker, doorkeeper, and are now ready to proceed to legislative business.

*Resolved*, That a committee of one, on the part of the house of representatives, be appointed to act in conjunction with a similar com-

mittee to be appointed on the part of the senate, to wait on the Rev. Edwin Ray, and request him to open the present session of the legislature, by solemn prayer to Almighty God. And that said committee immediately report the time and place.

*Resolved*, That the senate be informed thereof, and their concurrence requested, and a similar committee requested on their part.

Mr. Johnston, of Knox, has been appointed said committee on the part of the house.

*Resolved*, That the rules and joint rules, which were adopted at the last session of the general assembly of the state of Indiana by the house of representatives, for their government, be, and the same are hereby adopted for the government of the house of representatives, during the present session.

*Resolved*, That the clerk inform the senate of the adoption of these joint rules, and request the adoption of the same on their part.

On motion by Mr. Gregory,

*Resolved*, That the senate concur with the house of representatives, in the appointment of a committee to wait on the Rev. E. Ray, and request him to open the present session of the general assembly, by solemn prayer to the throne of Almighty God.

*Ordered*, That Mr. Gregory be that committee on the part of the senate, and that the assistant secretary inform the house of representatives thereof.

The senate then proceeded to the representative hall, and took their seats on the right of the speaker's chair,—when, an eloquent, feeling, and impressive, appropriate prayer, beseeching Almighty God to instruct and direct the proceedings of the present general assembly, for the public good, was delivered by the Rev. Edwin Ray, in the presence of both houses, in such manner as could not fail of making the intended impression: and the senate returned to their chamber.

On motion by Mr. Depauw,

*Resolved*, That the joint rules for transacting business between the two houses as adopted by the house of representatives be, and the same are hereby adopted on the part of the senate, and that the house of representatives be informed thereof.

On motion by Mr. Fletcher,

*Resolved*, That the editors of the Indiana State Gazette and of the Indiana Journal, be permitted to occupy seats in the senate chamber during the present session of the general assembly, for the purpose of reporting the proceedings of the senate; and that they be permitted to have access to the journals, so soon as they are read each morning: *provided*, it does not interfere with the duty and privilege of the public printer.



On motion by Mr. Linton,

*Resolved*, That the secretary of state furnish each senator with a copy of the revised code, and a copy of each of the subsequent laws of this state.

*Ordered*, That the secretary of the senate inform the secretary of state of the adoption of this resolution.

On motion by Mr. Graham,

*Ordered*, That the senators elected from the two newly erected senatorial districts, do now proceed to draw for their proper classification agreeably to the provisions of the constitution—and thereupon, the secretary having prepared tickets of the first, second, and third class—and,

Mr. Orr and Mr. Worth having proceeded to draw for their respective classes—Mr Orr drew the ticket in the first class, thereby constituting him, the said Joseph Orr, a senator in the general assembly of the state of Indiana, for the period of one year from the first Monday in August last; and,

Daniel Worth drew the ticket in the third class, thereby constituting him a senator in the general assembly of the state of Indiana, for the period of three years from the first Monday in August last.

On motion, by Mr. Depauw,

*Resolved*, That a committee be appointed on the part of the senate, to act in conjunction with such committee as may be appointed on the part of the house of representatives, to wait on his excellency the Governor of the state, and inform him that quorums of the respective houses of the general assembly have met, and are ready to receive any communications which his excellence may think proper to make to them; and know of him, at what time and place, it may suit his convenience to make such communications, and that the house of representatives be informed thereof, and a co-operation on their part requested;

*Ordered*, That Messrs. Depauw and Orr, be that committee, and that the assistant secretary inform the house of representatives thereof and request their concurrence therein, and the appointment of a similar committee on their part.

The following message was received from the house of representatives, by Mr. Lanier their clerk,

MR. PRESIDENT:

I am instructed to inform the senate, that the house of representatives have adopted the following resolutions:

*Resolved*, That a committee of two members on the part of this house, be appointed to act in conjunction with a similar committee to be appointed by the senate, to wait on his Excellency, the Governor, and inform him that both houses have met, formed quorums, elected their officers, and are now ready to proceed to legislative business. and

to know of him, whether he has any communications to make to them and the time when he will make such communication.

*Resolved*, That the senate be informed thereof, and their concurrence requested.

Messrs. Johnston, of Knox and Blake, have been appointed said committee on the part of the house.

On motion, by Mr. Fletcher,

*Resolved*, That the public printer be required to print eight hundred copies of the journals of the proceedings of the senate, during the present session of the general assembly of the State of Indiana.

The President now announced to the senate, the appointment of the following standing committees, in conformity with the rules of the senate, to wit:

*Committee of Elections.*

Messrs. Givens, Lane, Maxwell, Orr, Blair and Sering.

*Committee of Ways and Means.*

Messrs. Graham, Linton, Watts, Robb and Givens.

*Committee on the Judiciary.*

Messrs. Stevens, M'Kinney, Fletcher, Watts, Linton, Depauw and Daniel.

*Committee on Education.*

Messrs. Maxwell, Ewing, Watts, Sering and Worth.

*Committee on Military Affairs.*

Messrs. M'Kinney, Morgan, Orr, Lemon and Gregory.

*Committee on Roads and Highways.*

Messrs. Gregory, Sering, Daniel, Lemon and Claypool.

*Committee on Canals and Internal Improvements.*

Messrs. Ewing, Linton, Stevens, M'Kinney, Blair, Worth and Orr.

*Committee on the affairs of Indianapolis.*

Messrs. Fletcher, Gregory, M'Kinney, Lane and Lomax.

*Committee on Claims.*

Messrs. Morgan, Sering, Robb, Clendenin and Depauw.

*Committee on the State Prison.*

Messrs. Blair, Lemon, Claypool, Lomax and Graham.

*Committee on unfinished business.*

Messrs. Claypool, Ewing and Clendenin.

*Committee on Enrolled Bills.*

Messrs. Fletcher and Maxwell.

Mr. Sering laid before the senate, the petition of George Green and others, stockholders in the Farmers' and Mechanics' Bank of Indiana, at Madison; praying the passage of a law, authorising them to transact their business by five, instead of thirteen directors, as heretofore required by the charter of incorporation, which petition was read; and referred to a select

committee, composed of Messrs. Sering, Stevens and M'Kinney—to report thereon, by bill or otherwise.

Mr. Depauw, from the joint committee, appointed to wait on the Governor, and inform him, that the two houses of the general assembly have met; formed quorums, and are ready to receive any communications he may be pleased to make to them, now reported that the joint committee had performed the duty required of them, and were informed by the Governor, that he would meet both houses of the general assembly in the representative hall, on this day, at two o'clock, and in person, deliver to them a written communication.

And the senate adjourned.

*Two o'clock, P. M.*

The senate assembled.

The following message was received from the house of representatives by Mr. Lanier, their principal clerk:

MR. PRESIDENT:

I am instructed to inform the senate that the house of representatives has adopted the following resolution:

*Resolved*, That the senate be invited to attend immediately in the hall of the house of representatives, to receive the message of his Excellency, the Governor, and that seats will be provided for them on the right of the speaker's chair:

Whereupon,

The senate then proceeded to the representative hall, and took their seats on the right of the speaker's chair, agreeably to previous arrangement, where, in presence of both houses of the general assembly, the Governor delivered the following

## MESSAGE.

*Gentlemen of the Senate,*

*and House of Representatives:*

The occasion on which you are assembled, as the representatives of the people, for solemn and patriotic deliberation, upon the great concerns of the state, is most auspicious and interesting. Protected and prospered by the goodness of Providence, which has been eminently displayed during the past year, our grateful and devout acknowledgements should be offered to the Divine Giver of the manifold favors bestowed upon us. The many blessings which have been dispensed to the people of Indiana, in common with those of her sister states,

should inspire us with a solemn sense of the great and joint responsibility thus enjoined upon us, to improve upon our numerous advantages; while we venerate the Power that bestows them, as the only condition on which we can hope for a continuance of His smiles and favor. Healthful seasons, abundant harvests, with peace, general prosperity, and a growing morality, are the displays of his goodness; which, while they demand our mutual, fervent gratulation, and grateful remembrance for the past, serve to brighten our prospects of the future, and impose the duties of activity and diligence, as the surest means of being enabled, under the divine blessing, to realize its fondest anticipations.

The unabated current of emigration, which still continues to flow into the state, and to spread itself throughout the limits of our territory, affords the surest indication of our rapid approximation to that high rank among the states of the Union, to which we must be irresistibly conducted, by our own fixed and commanding condition and advantages. Other and not less important indications of this approaching result, are witnessed in the abundant productions of a late uncultivated but fertile soil, recently visited by the plough and the sickle;—in the improvement of natural facilities of conveyance, and the projection and progress of artificial ones;—and in the increasing wealth, enterprise, intelligence, temperance and morality of the general and rapidly accumulating mass of our population. This state has, justly, within the past two or three years, arrested more of the attention, and elicited more of the admiration of the American inhabitants, who have resolved upon a change of domicile, than any in the Union. For months past, we have daily seen from twenty to fifty wagons, containing families, moving through this single metropolis; most of whom have fixed their abodes in the White River country, and in that bordering upon the Wabash. To suppose, that there were six families, to have daily gone through this place, on an average, for the whole year, and that not more than a fifth of the whole which the entire state receives, take this route—making our daily aggregate increase, thirty families—would not appear to be extravagant. Add to this, the supposition, that each family amounts to six in number, and our diurnal increase would be one hundred and eighty; which multiplied by the days of the year, make altogether, sixty-five thousand seven hundred souls. To this, too, may be added, at least five thousand for the natural increase, by births more than deaths,—giving us at this time, upon this hypothesis, about seventy thousand additional per annum. This is but conjecture. But may we not, with mathematical certainty,

take three fourths of this computation for the *minimum* of our real increase? Could we but be permitted by any honorable means, to make the complete increase of another full year a part of the next federal census, to be taken during the ensuing season, by a procrastination of the service, until late in the fall, our complete return would then, likely, be four hundred thousand; which, under an apportionment bill, fixing the ratio at fifty thousand, would swell our congressional delegation from *three to eight*, in ten years time. So great an influx from abroad, in connexion with the natural increase at home, of human intelligences, so suddenly incorporated into the community, whose interests the statesman has in charge—many of whom are just rising to manhood—whilst others are possessed with their riper judgments, formed by their earlier education and first and most indelible impressions—impose upon those in power, a trembling responsibility, in the wise application of law to the varied condition and multifarious circumstances of all, upon the broad basis of general equality; and reconciling at the same time, the demands of public policy with individual rights. The task, so very often exacted from the law-giving authority, in a new state like ours, with a people of such a variety of uncompromised opinions, entertaining as many different views of social regulation, as there are countries or states from which they sprung—to give entire satisfaction to all, is an undertaking, under prospects of success, but a little more cheering than those which have hitherto illumined the path of the bold and indefatigable projector of perpetual motion. But though such discouraging obstacles rise up before the Legislator, in the midst of his noblest exertions for the honor and interest of his country; it is not his duty, for this cause, to relax his diligence and efforts, in devoting his days to the public service;—still aiding the great cause of “successful experiment,” with all the available means at his control, mental, physical, or pecuniary, and leaving the result to the indulgence and charity of his fellow-citizens.

#### MARKET.

At no former period within the history of the state, have our yeomanry been more amply rewarded for the various productions of their soil and labor, than in the year which is just coming to a close. Like commerce, agriculture has of late experienced her agreeable fluctuations. The prices which flower, corn, pork, beef, whiskey, and other inferior articles of export, have commanded for the past season, are encouraging to our present respectable class of farmers, and inviting to those to become proprietors of soil, in this more favored region of

the "great west," who are situated in countries where nature has been less prodigal of her gifts.

The invasion, by Spain, of her old colonies, now the neighboring republic of Mexico—the civil wars in South America—the failure of crops in many parts of Europe, and the augmented armaments and preparations for Russian and Turkish warfare, have not been without their influence in regulating the price of American bread stuffs. And the late successes which attended the triumphant battalions of the invader, calculated to put a period to the war, by the fall of the empire of the Ottoman, or to produce a speedy pacification, or a still more general rupture, in connexion with Mexican and South American disturbances, will, in after time, either for good or for evil, tend to regulate the price of American staples. If, independent of the charms of the pastoral life, inducements were wanting for the investment of capital and labor in agricultural employment, and to cause the farmer, *first* in the roll of his country, to adorn and venerate his own high post of honor, they are to be found in the relative condition of the different and mutually dependent classes of industry. Agriculture, on whose operations depend the prosperity of all, will inevitably meet the reward due to her products—from the gradual diversification of mechanical, professional, and other employments, —from the rise of manufactures, transmuting large bodies of people from producers to consumers—from the magical growth of cities and towns, and from the general abandonment, by the southern states, of the culture of productions better adapted to northern climes, for the more profitable pursuit of raising cotton, rice, sugar, and other tropical fruits.

#### STATE INTERNAL IMPROVEMENT.

This subject, though more than once pressed upon the attention of the Legislature, can never grow irksome, since it must be the source of many of the blessings of civilized life, to secure its benefits, is a duty enjoined upon the Legislature, by the obligations of the social compact. It is the greatest auxiliary which belongs to human industry in the legitimate performance of her noblest functions, aiding all her operations with convenience, profit, and velocity, in transporting and diffusing the bulky labors of her hand; thereby ministering to the wants, and augmenting the pleasures of the social state. The best of countries and the best of markets, are alike unavailing, in the absence of those facilities, which can alone render both interesting and valuable. Roads and canals serve to diminish distance, —to save time and labor,—to save and make money,—while

they are the means of intercourse, and the bonds of union, to communities that might otherwise become distinctive in character and interest; whose ultimate prosperity must mainly depend upon an uniformity of the one, and a reciprocity of the other. They ever have maintained a proud pre-eminence in the bosom of every well-wisher of his country. Indiana will be taught by experience to view the construction of useful improvements, as identical with the realization of her most sanguine anticipations, in the attainment of power and happiness. Her navigable rivers and leading roads are objects worthy of the most intense solicitude of the Legislature. Upon these objects, the bestowal of both treasure and attention, must be prompted, if from no other consideration than a regard for the great farming interest of the country, whose hopes on this subject are equal to their claims.

A regular system of state internal improvement, adapted to the wants and resources of the people, and also in anticipation of a just proportion of the surplus revenue, which, but a few years hence, after the extinction of the national debt, will remain in the treasury of the Union for distribution and expenditure, and with an eye to the public lands or their proceeds, would not be considered, even at this early period, either premature or impolitic. The precautionary step of preparing the public mind for the most important public works, by the time that other means than those of the state, may be accessible, will doubtless be duly appreciated by your constituents, and will deservedly give you a strong claim upon their increased good opinion of your wisdom, your valuable services, and your fidelity to the state. To you, best acquainted with the views of those whom you have the honor to represent, whose privilege it is, to bring forward and perfect the details of such a system, this subject is gravely submitted.

In agreeing upon a general system of state improvement, to be effected at some future time, by the combined resources of the national and state governments, among the expected works of undoubted utility, which the topography of the state shall recommend to your notice with prominent plausibility, the following deserve to be noted for their importance: The construction of a rail-way from a southern point on the Ohio river, to the Wabash and Erie canal, by the way of the seat of government: another from Fort Wayne, through the White Water country to Lawrenceburg, (a canal having been reported impracticable;) and a clay turnpike road from the seat of government, running eastward, in a direct line for the city of Cincinnati. When the Michigan and Ohio road shall be

permanently established; it will doubtless be expedient to intersect it at different points, with clay turnpike roads from various directions; as well as to improve by turnpiking or other means, the road from the Falls of the Ohio to Vincennes, and the roads from Indianapolis to the western, south-western, northern, and north-eastern, and western parts of the state. Other improvements are expected to be pointed out by your sagacity.

In the meantime, it will also be expected from the justice of the Legislature, that, if any portion of the three per cent. fund, beyond the one hundred thousand dollars already expended, should hereafter be appropriated on roads, an equitable proportion of the same will be laid out in making roads through the new counties, which have been organized since the passage of the act appropriating the one hundred thousand dollars. The improvement of our rivers and common roads, by the yearly application of additional labor or money, is as essential to the health of the body politic, as is the free circulation of the blood from the heart, through the whole arterial human system, to its vigor and usefulness. Whatever portion of expense and labor, is applied to these objects, is amply repaid by its own productiveness; but, should not exceed the limits of a judicious economy. In another place this communication shall look with great confidence, to a change of service from the *useless* to the *beneficial*, as a means of forwarding our most solid interests in this respect.

#### NATIONAL, NEW YORK, AND MISSISSIPPI RAIL-WAY.

The master spirit of the age—the genius of improvement—as if with the design of increasing the astonishment of nations, already watching the progress of the American states, with an admiration which even jealousy cannot smother, has, within the last year, penciled to the public view, a project as grand in its design as it would be glorious and useful in its execution. Nor does its magnificent conception obscure the sober conviction of its practicability. Nothing less is aimed at than the gigantic purpose of wedding the extremes of our vast country by one of the most approved methods of conveyance, which, for celerity, ease, and cheapness of inter-communication, stands foremost on the list of modern inventions of the kind.

“The proposed rail way, has for its object, not only the connection of the great cities on the borders of the Atlantic, with the magnificent lakes and rivers of the west, by a channel, available at all seasons of the year, but also the developement of the latent wealth and resources of large and valuable tracts



of country, comprising the border counties of New York, New Jersey and Pennsylvania, and extending along the more remote portions of the route, which are not now traversed, by any of the great works, which have been constructed, or are in progress under the patronage of the several states. It affords happy facilities for accomplishing these great objects, in a manner that will best subserve the interest of the whole community; and by connecting the great canals and rivers of New York, Pennsylvania, Ohio and Indiana, at different points, will afford important collateral aid to the plans of internal improvement which have been adopted in these states." The friends of this work, anticipate by it, a connection between the city of New York and the Mississippi, a distance of nine hundred and ninety-three miles. Its course will be through six of the states of this union and pointing to the seventh. "The whole extent of the proposed rail way, could be constructed for a sum, little, if at all, exceeding that which the state of New York has expended on its justly celebrated canals; and its cost would be trifling in comparison with its benefits, or even to the increased value, which it would give to the lands which border on the route. It would when completed, be far more beneficial in its effects on the intervening country, and on the National prosperity, than to turn the Mississippi itself, (with her train of evils along with her blessings) in the same course. Free from the inundations, the currents, the rapids, the ice, (its unhealthy atmosphere, the perils) and sand bars of that mighty stream, the products of its wide spread valley would be driven to the shores of the Atlantic, with far greater speed, than if wafted on the wings of the wind; and the rapid returns of commercial equivalents, would spread life and prosperity over the face of the finest and fairest portion of the habitable globe. "Without enquiring whether such a work could best be accomplished by the several states through which the route extends; or by incorporations, aided by grants of money or lands from the general government, it is sufficient to assert, that our citizens have only to appreciate the value of the enterprise and raise their voices in its favour and it will be accomplished." A single rail way, and turnouts graded sufficiently wide for two sets of tracts, for the whole distance, are estimated at only \$8,000,000. This is scarcely the third of the national income for a single year. It is ascertained, that this does not equal the half of the sum paid yearly by the consumers of wines and ardent spirits in the United States. The cost of transporting, only one dollar per ton, per one hundred miles. Merchandise could be conveyed from New York to the Mississippi in a week, and mails and passengers with still greater ve-

locity. The route of this Way, changed further south, so as to run more central through the western states directly interested in it and these states wishing to promote their advancement in wealth and power, by a multiplication of all the resources which constitute greatness, individual happiness and prosperity, must yield to it a cordial and unwavering support. Indiana should take a peculiar pride in supporting a cause which will throw her commodities, into the best markets on the continent.— Let her speak to her congressmen on the subject, that they may feel at liberty to give it their aid if the great question should be agitated there. When it is considered that the surplus revenue of the Nation, which will, in three or four years be under the control of Congress, more than can be used in the ordinary support of the government, which the states directly interested in the work, would be entitled to, as their just proportion, upon any known principle of distribution, as to territory, population, or federal representation—is competent to the consummation of this brilliant scheme in two short years—the magnitude which at first blush, the work assumed, dwindles into one of easy accomplishment.

#### NATIONAL ROAD.

The history of the progress of this road westward for years past has been attended to with deep solicitude. The fifty thousand dollars appropriated on it by an act of the last Congress, must be viewed as an *advance only* of so much of the two per cent. fund, which the people of the new states are entitled to and is now due—not as a *boon* but as a *right*—by the act of Congress of 1816, and as a consideration for yielding up the right of taxing the public domain. The reflection that this sum of money is not a free gift appropriation out of the national treasury—like many of those that preceded it, for the continuation of this celebrated federal ligament, but the *dearly bought* fund of the state, which might with propriety have been appropriated on other roads “leading to the state,” leaving the national road to be completed by national means, has awakened a lively interest to apply it in a judicious manner. The ambiguity of parts of the act, and the singular expressions of other parts, indicating a compliance with what the science of road making would condemn, occasioned rather an uncommon difficulty in arriving at its proper construction. The whole, however, has resulted in the closing of contracts for removing the timber off from the whole width [80 feet] of the road, and for grubbing thirty-feet of the centre, through the state; so as to leave the road prepared for grading and the immediate application of other appropriations, which it is expected you will ask Congress to make, at their coming

session. There will be a surplus of about \$15,000 in the hands of the commissioners, to be expended, during the next season, in digging down abrupt elevations, &c. The last instructions from the secretary of war, requiring the timber in the centre of the road to be grubbed instead of cut, though not expressly authorised by the *letter* of the act, are in accordance with its *spirit*, with common sense, with common usage, and of almost inconceivable advantage to the state; and entitle the the proper department to the most unqualified commendation. This latter determination, will encourage us to look with increased confidence, for the completion of the road within some reasonable time. But the policy of leaving the stumps of the desirable timber in the road, wears the most questionable complexion, creating as its sure consequence, an apology founded in reason for procrastinating any further operations on it, until the same shall have decomposed by times wasting process. And we are still further consoled, by the conviction, created by the new instructions, that the President is about to become its patron.

I have it in charge from the secretary of war, to apprise you, that there is no law of Congress in existence, authorising the condemnation of individual property, through which this road passes, that has not been relinquished, which the commissioners suppose to be about ten miles in length. Our constitution which secures to the citizen the inviolable right of private property, necessarily makes it incumbent on you at this session, to pass some law (there not being any that embraces this case) which will make provision for the redress of any injury that may accrue to such property from an extension of the road upon it. The commissioners are instructed not to brake soil in any case, where the privilege of way has not been granted, until the property is condemned through the action of a state law. The amount of damages which the state may become liable to pay, if any, should, as a matter of course, be made the subject of further congressional legislation, and be refunded out of the national treasury.

#### MICHIGAN AND OHIO TURNPIKE.

This road has already unnecessarily been the cause of much artificial, fallacious and embittered controversy and excitement. The subject is again presented, under the confident hope, that former differences of opinion and interest, will be speedily adjusted, and that provision will be made for the permanent and judicious location of the whole route from the Lake to the Ohio river. Under this impression, and having taken an active interest in this important work, from the time it was first conceived and projected, I avail myself of this occasion, to review briefly.

the report of the Commissioners of this road, of 1828.—This I conceive to be a duty, the omission of which, no cause, private or political would justify, in the view of my own conscience, and in that of posterity—should there be danger of defeating the great original design of making this work an extensive blessing to the people of Indiana, by the influence of private interests, or of erroneous opinions. Although I am ready to acquit the commissioners of any improper intention to do a public injury; yet, the route, (particularly, north of the Wabash,) which has enlisted their preference, seems to me, neither a compliance with the meaning and spirit of the treaty, nor to afford a guarantee of much public utility. If it is looked to as the means of aiding the people to drive on foot to the Lake, their cattle and hogs, to be there slaughtered, barrelled up and shipped to the market—if the Lake should be viewed as a place of deposit for other commodities—and the point from which foreign salt and other supplies are to be brought into the interior of the country—it argues, that the road to that point should be on a direct line, or as nearly so, as practicable. It must lose much of its *utility*, if it does not in time, altogether fall into disuse, by a circuitous extension of its course, to meet its intended commercial points. The route preferred by the report, measures upwards of one hundred miles from the Wabash to the Lake. The one rejected, only seventy-three—the difference being nearly thirty miles.—Then the matter resolves itself into this, that in order to be permitted to travel from one point to another, only seventy-three miles apart, the traveller, emigrant or citizen, must be placed under the unreasonable necessity of taking upon himself, the labor of over coming twenty-eight or thirty more. The reason urged against the short route, that it “will require bridging, causewaying or turnpiking,” and that it is wet in places, or level and marshy, will doubtless apply to the long one; and is rather a reason in favor of a route, designed as this is, for a clay-turnpike, than against it. There is no material better suited than marshy land, when properly graded, to make a substantial clay-turnpike; far superior to rich soil. The report further shows, that the short survey runs through thirty-three miles of good land; a tract altogether sufficient from which, to select the whole donation. Both routes terminate at the mouth of the river Dysman, where a harbour for vessels may be easily made. If there is any thing to require and justify this increase of distance, it has not fallen within my observation. Let the long route even be established, and so soon as the country is settled on the Lake and the Wabash, it must, in the nature of things, yield to public necessity

for a shorter communication. If the position can be sustained, that this road can be carried to a point almost as far north as the Lake, and then run west to it, increasing its regular estimated distance nearly thirty miles, then, indeed, by the same reasoning, it may be made to take its circumambient course, along the sinuosities of the State's border, until it finds the place of its lodgment. The St. Josephs, where the road, as now located, strikes it, cannot be relied upon and cannot be navigated except by Keel-boats—only at freshets—White river at this place, being about its equal.

With regard to the section of this road, south of the seat of government; duty to myself and to the State, combine in urging me to state, that inasmuch as *those* who procured the insertion of the article in the Indian treaty, which cedes the land for making the road in question, have suffered in reputation by the insinuation, that they lacked independence in not fixing the point on the Ohio river, the Executive of this State, (if authorised by law,) is willing to appoint Commissioners that will perform this highly responsible duty. The performance of so very unpleasant and responsible a task, is not, however, sought for, only as a *dernier resort* of putting an end to a question, which has already had too great an influence upon the legislation and politics of the State.

The subject of disposing of the lands granted for this work, has, within the past year, engrossed much of my reflection. All the investigation I have been able to bestow upon it, has resulted in the sober conviction, that the road may be improved in the best manner, by the direct application of the land itself in payment of the contractors, without incurring the expenses and delays, incidental to a sale; or by creating the largest amount of obligations or promises or stocks equal to money, drawing interest, which a sale of the land would be *capable* of producing, on the most liberal credit, under sure penalties and on safe securities. These two modes of disposition, under all the circumstances with which the subject is associated, are selected, as the *best* of a number proposed. And of these, the latter is preferred, not as being more simple, but as most profitable to the State. The first offers its inducements to favour, by the despatch it would insure to the consummation of the object in view—as under it, the work might go on at once; which might compensate in part, for a sacrifice of a portion of the advantage consequent on delay, and a sale in the manner alluded to. In testing the merits of the first proposition—the issue of certificates or scrip, made negotiable, and payable in land, of eighty acre tracts, to be selected by the holder and entered

in some public office, at such a minimum price as to make the certificate equal to the legal currency of the country, but of the value of the land it covers, may be with propriety, taken into consideration. But the question of *sale* points out its own beneficial concomitants, many of which bear with them their own weapons of defence. A sale of these lands for twenty annual payments from the time of sale, the whole bearing interest at the rate of six per cent. per annum, from the day of sale, except the first payment, which, then, together with the interest of the whole purchase money unpaid, should be paid in *advance*, and so on yearly afterwards, combines more advantages and is subject to fewer objections, than any other plan which my humble capacity has been able to embrace. The payments should be so divided and regulated, as to make the *first* the largest, the *second* the next largest, and so on, with the advance of years, diminishing each payment down to the last,—a payment in advance, with interest of the remaining purchase money to be made yearly; so that the purchaser will be becoming more and more interested in the land; have stronger and stronger inducements to comply with his contract, with the lapse of years, and the consequent gradual investment of money in the land. If the constantly increasing inducements which this plan holds out to the purchaser, not to injure the soil or timber to a greater extent than the land is benefited by the improvements made on it, or if its being increased in value by the proximity of the canal, should not be considered sufficient to stay the commission of waste, let the law contain a suitable injunction against its perpetration until at least *half* the original purchase money shall have been paid; *after* which, interest will operate as a preventative: *before*, as an inducement to pay that half speedily. Certificates promising to make a title, where the last payment is made, will make the land its own security. Privilege to pay up the whole, at *any time*, should be offered. Let the road be divided into three sections, to be completed in three years; the first section to commence at the Ohio river and extend to Indianapolis, to be finished the first year; the second, at the latter place and reaching to the Wabash, to be finished the second year, and the third section commencing at the Wabash and terminating at the Lake, to be completed the third year: As the southern section of this road would be at the beginning much travelled, it should first be completed, commencing at the Ohio. A quantity of land proportionable to this section, might be sold and applied the first year; and so of the other lands and sections in their years. This course might be better than to sell all the land at once, as by

the first sale and the application of its proceeds, confidence would be inspired, which would likely make the lands remaining advance in price, beyond the interest lost by the delay.—The first sale, will ascertain the amount of money to be applied to the first section, and by division, to each mile; until which takes place, safety requires that no contracts ought to be made. The amount of money capital created by the sale, would also point out the required loan, which should be equal to the credits on the land, subject to be extinguished by the annual payments due on the same. Prudence would require the loan, to be always less than the securities or capital stock on hand. These securities or stock, will be equal to six per cent. stock, and may be at any time easily exchanged for money. To effect this, negotiable collateral obligations may be taken from the purchaser, corresponding with the terms of the land certificate and required loan. The above is but the outlines of that system which, it is deemed most expedient to adopt, under all the many circumstances with which the land is environed. If we sell these lands upon nearly, or quite the same terms on which government lands are disposed of, they must be expected to command about the same price. But terms like those recommended, which amount to a loan of the purchase money, enabling the purchaser to make the different payments out of the land itself by his own labor, are enforced alike, by the individual benefits they will confer, and the public interest they must improve.

By the operation of the plan suggested, monied combinations and monopolies will be checked, and a fair competition will take place between them and those who expect to become citizens, and to cultivate the soil they bid for.—Upon the supposition, that from the Lake to the Ohio river, the whole extent of this road, is two hundred and thirty miles, there will be about one hundred and fifty thousand acres of *select land*, donated by treaty, to be applied to its improvement, and this sold at only two dollars per acre, would enable us to realize the sum of three hundred thousand dollars. The average per mile, twelve hundred and eighty dollars. This amount or less, will make a clay turnpike, besides good strong wooden bridges over the streams; if we may make an estimate according to the propositions submitted, for cutting and grubbing the national road in this State, which only averaged two hundred and twenty dollars per mile, and the grading proportions were equally low in proportion. To your wisdom the whole is submitted.

## ROLLER OR WHEEL ROAD.

I shall lay before you a paper containing Mr. John Gardner's invention of the Roller, or Wheel Road. You will be pleased with the ingenuity and plausibility of the scheme of the inventor, if you are not disposed to ascribe to him the credit of making an imposing improvement upon the known facilities for transporting goods by land or water. If the theory of the inventor will stand the test of practical experiment, its rank will be exalted, in the scale of invention.

## WABASH AND ERIE CANAL.

After the adjournment of the last General Assembly, in compliance with their resolutions, on the subject of the canal, I forthwith procured a copy of the same to be mailed for the Executive of the state of Ohio; and also directed a like copy, together with other documents which were thought necessary, to be transmitted, to the commissioner of this state, appointed to negotiate with the commissioner of the former state, on the subjects of the necessary definitive adjustment, contemplated by the two states. It is understood, that they have agreed upon certain conventional stipulations, the nature of which will be developed to the separate Legislatures by the commissioners themselves. It is wished, that they had been concluded upon the basis of reciprocity; and with an eye to the *speedy commencement*, the *vigorous prosecution* and *successful consummation* of the enterprise in hand. If this could have been effected, at the same time guarding against future collisions between the two states and preserving to us a reasonable interest in the grant, the negotiation would have been hailed as an achievement worthy of the most agreeable recollection. How far the state canal commissioners (one of whom it became my duty last spring, until your meeting, to appoint, in the room of Robert John, Esq. resigned) have succeeded within the past season in making selections of the canal lands and in giving identity to the canal route, they will shew to you by their own report—plats of the same, shewing the inter-sections of the state land with what belongs to the United States, having been made out and forwarded this fall to the General Land Office, no doubt remains but that the government lands, as also the whole purchase of 1826, will be brought into market in the spring. According to the letter to me, of the commissioner of the General Land Office, they would have been offered for sale this fall but for the want of the plats mentioned.

Presuming that after much discussion and long reflection, the public mind, has taken a favourable turn towards this canal,



if it can be completed in a reasonable period, and without deep state involvement, and after your approval of the arrangement made with Ohio, the momentous question which must arise, is, as to the *means*—the Archimedian lever of all such colossal enterprises,—without appealing directly to the pockets of the people; than the pressure of additional burdens upon whom, nothing will sooner prostrate effectually the desirable work.—The *real* friends of this communication, if *their aim is ultimate success*, should stand *undivided*, in looking to that sort of legislation, that kind of system—that unsophisticated policy, which by its own influence and effective power—unaided by state finance—will lay the foundation for producing the *entire means*, either now or at a more distant day, for its most safe, most certain and irrepealable reliance against the fluctuations of a mutable public opinion. The most of the substantive outlines of such a system, have been delineated, in the remarks already submitted on the subject of the lands granted for the Michigan and Ohio road, so that repetition here would be useless. The last Legislature have acted happily on the good idea, in authorising the sale of the school sections, except that they did not extend indulgence to purchasers far enough, to embrace the full scope of its advantages. The high price many of the school sections have sold for, is an eloquent and convincing commentary on the principle. The sale of the canal lands lying in Indiana, for twenty annual payments, drawing interest from the day of sale, and requiring the interest of all the payments, unpaid, with the payments due, to be paid in advance, annually, as well as the first payment; regulated so as to preserve the land against contingency, forfeiture and waste, and to secure the prompt payment of principal and interest—will, it is confidently believed, create six per cent. stock enough—having the best indemnity, to cover a loan, equal to the estimated cost of all that part of the canal line, which lies in this State. If any other device can be brought forward which promises, by its own internal evidence, to do more than this, let it be received.

The assumed distance of the canal, from the Ohio line to the mouth of Tippacanoe river, is 128 miles, and the quantity of land to be applied to its improvement, is 640 sections, or 409,000 acres. These lands, upon the credit named, considering the advantages of soil, climate and water communication, and other valuable appendant properties, may be considered low at the estimate of \$2 50 per acre, on an average. At this price, they will create a capital of upwards of one million of dollars, if sold now. The canal Commissioners estimate the 128 miles of canal, at \$1,081,970, which is thought to be too

high. Thus it may be seen that a stock, bearing interest corresponding with successive loans as they are needed, may be created by *periodical* or *simultaneous* sales of these lands, as may be thought most advisable, rather exceeding than falling short of the complete cost of the canal. It is contended by some, that the next best plan to this, is the one which is presented by a report of the canal committee of the House of Representatives, at the last session, now spread upon the journals;—by a reference to which it will be seen that the scheme there recommended, contemplated the completion of the canal by the year 1835, together with the sale of the *whole* of the lands in the mean time, and the expenditure of all its proceeds, at the expiration of the time; besides, leaving a debt of six hundred and thirty one thousand, nine hundred and seventy dollars upon the shoulders of the people, without any tangible resources to discharge it, but a recourse to their private purses and to the tolls and water privileges. Comparison here, would be useless. This work *might* be finished by the year 1835, and this alarming and ruinous debt avoided; if it be thought expedient to commence operations at all before something more definite shall have been fixed upon for the Ohio section. Whenever the time shall arrive for a commencement, the summit section, opening a limited commerce, should be first put under contract. From this point, as fast as resources accumulate, it should be continued down the valley of the Maumee to the foot of the rapids, and down the Wabash as low as Lafayette or lower. The growing importance of this town would justify such a result, and render it very probable. The necessary length of this communication, requires my remarks on this interesting matter, to be very general. A confidence in your intelligence leads me to suspect, that you anticipate all the various details requisite for so great an undertaking; and that you will have no difficulty, unassisted by unauthorised dictation, in organizing them into a material element of practical experiment.

Before we agree to sell the canal lands to the *highest bidder for cash in hand*, it will be proper to look well to consequences. To sell the land for canal purposes, will amount to a pledge to the General Government, and to the *purchaser*, to go on with the work or be liable to the *one* for its value, and to the *other*, if we fail, for damages. And if cash sales should produce no more money, than what the Commissioners have supposed, \$500,000—making the required loan of \$500,000 more, too great for the ability or courage of the State afterwards, or so great, as to dissuade the legislature from authorising a loan; *then*, indeed, the State will be in almost an inextricable dilemma—without

a canal, and bound to refund, after all the trouble and expense, incurred, to the United States, and to pay damages to the purchaser. In this picture there is reason for alarm.

If this Legislature shall ratify the treaty which has been concluded between the two States, and if my information is correct with respect to some of its provisions, the inducement must be much increased, to make the most out of the grant of land which it is susceptible of producing by selling on a long credit, by the great length of time which is to transpire before funds will be in demand. For, from information on which reliance may be placed, it appears that the State of Ohio is not bound to complete the Ohio section in less time than fifteen years from the first of January next. Before that time shall expire, the approved plan of sales, may be made to accumulate from the interest alone, without interrupting the principal stock, an amount, to cover a great portion of the estimated cost of the Indiana part. But if the treaty requires the State of Indiana to cede all the lands which she holds in Ohio, for canal purposes, to that State, in some short time hence, by which Ohio will be enabled to sell them and use the proceeds for many years, without paying interest and without being then at last bound, *absolutely and unconditionally*, to perform the work, but left at her option, either to do so, or pay back the money which the land shall have sold for;—it will become matter of serious reflection for this body, whether the treaty is such as will meet the views and interests of Indiana. The land to be ceded to the state of Ohio, at two dollars and fifty cents an acre, will be worth about four hundred thousand dollars. If, in the course of the next fifteen years the state of Ohio should become convinced that the Wabash and Erie canal, would withdraw from her other canals a portion of western commerce, and have a tendency to diminish their profits, or be in any respect injurious, she will have but to adopt the alternative afforded her, of refusing to operate on the Ohio section, and refund to the state of Indiana, the money for which the land might sell, which must be paid in such an event, by the latter state, to the United States. In what better situation then, does such a treaty place Indiana, than before it was made? How will be affected by it the interest of Ohio? She may obtain the use of several hundred thousand dollars, for the term allowed her to cut her part of the canal. Not having seen the treaty, I cannot speak with certainty; and am at a loss for information as to when it looks to the commencement of the work by Ohio; but it is presumed, that the act of Congress requiring a beginning in five years, has not been overlooked.

Best some remarks in this address, on the subject of the Canal, and recommending on certain terms, a sale of the canal lands, may be understood to be offered to induce the acceptance of the Treaty, it is proper for me to add, that they are intended, *only* to be considered, upon the *happening* of that contingency. If, with such provisions of doubtful policy, the treaty should be ratified, the question of *ways* and *means*, will then be fairly before you. But pressed as we are by necessity, for this important link in the chain of national improvement, which promises also to be so useful a channel for the commerce of the country, my own assent to postpone without certainty in the end, for fifteen years, the long looked for benefits expected from it, would (*without further effort* to do better) be given with melancholy reluctance. Nor could any of us, without poignant regret, see this valuable grant revert back to the United States. Rather than think seriously of such a result, your foresight, your prudence, your desire for the honor of the state, would prompt you to memorialize Congress again, to authorize the state to change the proposed canal into a *Rail Way*, or even a turnpike road on the canal location. There could remain little doubt but that, in this way, the grant might be preserved. It is the immediate expense of a canal and the idea of competition that alarms Ohio. A single railway would cost only but a little more than half of what is the estimate of a canal, as they might be constructed in Indiana with durable timber mostly. I have seen some estimates as low as \$6200 per mile.

Whatever may be the fate of the Wabash and Erie canal, I take pleasure in assuring you, that no part of the failure to enlist Ohio in it, within a less period than is stated, is ascribable to Major Sullivan, our commissioner, whose talents and zeal to obtain a better compact for the state have been conspicuously exerted on the occasion.

#### WABASH AND WHITE RIVER OBSTRUCTIONS.

To enable the State to remove the obstructions in these valuable rivers, the friends of the Wabash and Erie Canal, and of Steam-boat-navigation on the Wabash and White Rivers, would doubtless gratify a majority of the people in the state of Indiana, by uniting in a memorial to congress, for a grant of the public lands adequate to the accomplishment of the object. The removal of the falls in the Wabash and the improvement of the White Rivers by means of the public domain, may be sustained by the same reasoning, which led to the grant to open the canal. For the one is indispensable to the other. If the state goes on with her canal, she must improve the rapids in the Wabash, or cut a canal around them for the passage of all kinds of

boats. No doubt is entertained but that steam boats may traverse the White rivers if they are well improved, through hundreds of miles of our territory; and that the seat of government, will ere long be visited by these messengers of Fulton's immortal genius.

#### NEW MILITIA SYSTEM.

Whatever is novel and is intended to supplant established usages, however confirmed by prejudice or replete with hoary error, has in a majority of cases, subjected the innovator to unenvied notoriety. As to the modifications which will be submitted under this head, it is not intended to claim any indulgence for their author for not being aware of the fate that awaits him. A conscientious conviction that it is my duty, uninduced by any latent consideration, to advise such a partial revision of the Militia Laws of this state, as is called for by the advanced progress of the principle of toleration, and by the intelligence and tactics of the illustrious age we live in, will not, even by counting the chances of its success, permit me to be silent. Experience, which is the test of all human organic laws and regulations, offers her objections to the impolicy and inutility of repeating so frequently and unsuccessfully, attempt upon attempt, to instruct the great mass of the people in the art of war. The chivalric reputation of our brave countrymen and the military science have both been lowered in this respect, by unremitting efforts to perform impossibilities. Our existing militia laws, commit violence upon the rights of conscience, as well as impose penalties on poverty, by exacting equipments and services which many of the people are not able to perform. Instead of this, whilst aiming at efficiency of organization, the nobler purpose should be to adapt it to imperious circumstances, and to produce a reconciliation to it, amongst *all* the people—amongst all denominations and opinions. This must be done, if general submission and obedience to the laws, are to be expected. It should be a first concern with the statesman, to lop off from the institutions of his country, every obnoxious feature, in any degree tending to beget the opposition of the citizen or that is regarded with indifference, or calculated to diminish his veneration and affection for the policy of the land in which he lives. It is proposed, in times of peace, to comprise the militia into two classes, to be called the *active* and the *sedentary*. Let the Militia of the state remain enrolled and organized as they now are, with all the officers, to be called the *sedentary*. Require *them* to meet once a year at the time of the regimental muster, without equipments, except officers, for the purpose of reporting their strength; and to hold themselves in readiness for hos-

tile emergencies, most of whom being infantry. Require their officers to assemble and drill frequently. Extract from the present sedentary militia, by voluntary enlistment, about ten thousand men, which would be about every fourth or fifth man in the state, to be called the *voluntary militia*. This corps is intended to be well disciplined and should be required to appear frequently in service. From each regiment of about eight hundred men, raise four companies of volunteers—an artillery and cavalry of about fifty men each; and an infantry company of one hundred men, and a rifle company of about the same. Allow them to elect their own officers, independent of the sedentary; and besides their company musters and attendance at the regimental parade, provide for exercises in the school of the battalion. Require that the public arms shall be exclusively distributed to the voluntary militia, to stimulate them to duty. If the required number, should not volunteer in each regiment resort to draft; if too many turn out, determine by *lot* who shall be taken of those who can be relied upon. Let the voluntary corps report their strength, as in other cases. Besides giving the United States arms to the voluntary corps, exempt officers and soldiers from working on roads, serving on juries and from a poll tax. On the other hand require the sedentary militia to work as many days on the public highways in their proper districts, as the active militia are required to perform military service, in addition to what is now called for by law from each citizen. Those who are conscientious against bearing arms will, as a matter of course be ranked with the sedentary militia, and their strength may be reported in the manner provided by the present law, without requiring them to appear in public to report it. The above presents the skeleton of a plan, which, with its appropriate details, would bring into existence a bulwark of defence against hostile incursion, combining the double advantages and safety of the "*citizen soldier*" with the "*scientific disciplinarian*."

The warmest and bravest blood and flower of the state, would be splendidly displayed in the voluntary rank, which added to their skill in tactics, must constitute an intrepid phalanx of irresistible soldiery. Our portion of the two hundred thousand dollars, annually expended by the United States, for arming and equipping the militia, will on this plan at no very remote period, supply this part of the militia with arms, if they are carefully preserved; but to ever supply the *whole* is as hopeless as it would be a waste of treasure. Such a system as this, will also bring to pass, the pleasing consequence of setting at ease the consciences of a very exemplary, peaceable, industrious and moral denomination of people in the state called

**FRIENDS,** who are honestly opposed to war preparation. It is believed that this is the only mode by which they can be constitutionally relieved; and *it* is recommended more for its own excellence than to secure any special privilege at the public expense. Nor can this arrangement lose any of its attractions in consequence of the hundred thousand days labour it would authorise you to apply on the public roads, essential in an improved state, to the public good, in *war or peace*. Now should you approve of these suggestions, it will then be worthy of consideration, whether you will carry them into effect by a state law, or recommend them to the favourable notice of the general government, whose right it is to legislate on this subject, concurrently with the state.

Independent battalions are called for, as a necessary and just accommodation to the people of new counties and detached settlements.

#### AGRICULTURE MECHANICS AND THE ARTS.

The farmer's interest should be made a matter of special enquiry. He who gives support to every other occupation and profession, commercial or mechanical,—he whose drudgery in its culture, provides the materials which shield our infirm bodies from the inclemencies of the seasons—he who nourishes the soldier while he perils in the battles of his country—he whose incorruptible fidelity in times of severest trial, is proof against the most seductive temptations, deserves alike your countenance and efficient aid. Besides exempting from tax, lands cultivated in hemp, tobacco and other neglected productions of profit, an adequate appropriation for premiums to be distributed as prizes for the best specimens of whatever you consider most useful in any of the arts, sciences and professions, will be found in experiment, most encouraging to our various branches of industry, and stimulating to the slumbering capability of every department of genius or labor. If the encouragement here contemplated, should make any considerable impression upon the common chest, the deficit may be replenished by the imposition of a duty or tax upon all spiritous liquors which may be found in the State *for consumption*. By this plan of creating a fund the two fold object will be accomplished of encouraging the cause of temperance in the use of ~~ardent~~ spirits and exciting a commendable spirit of emulation and a zealous competition in laudible and useful pursuits, among the sons and daughters of Indiana. If in connection with this object, the manufacture of the article of whiskey for *export* could be encouraged, and its excessive consumption at home discountenanced by some satisfactory, mode of restriction, the wealth of the country would be increased and the moral condition of our society greatly improved and meliorated. A small amount also exacted from *professional gentlemen*, whose occupations are more useful to themselves than to the public, as a bounty fund, would tend not a little to induce into the field of

enterprise, many a fair female competitor for skillful and industrious fame in the manufacture of good substantial fabricks for clothing. Much has been effected in other States, by commendable and generous efforts, and by means of agricultural and other societies, striving to raise the yeomanry, the artists, and mechanics of the country, to an equality with the first rank of honorable professions—their most unquestionable right,—and something may be done by you, to insure to merit *here*, whether at the plough or in the workshop, at the needle, spindle, or the loom, its own high reward.

#### COLONIZATION.

The colonization of free blacks, dispersed through our country in the native land of their fathers, is passing the ordeal of philanthropic reflection, and gradually rising to public view, under the patronage of the American Colonization Society. No period in the annals of our history, would be hailed with more universal acclamation, than that one, which shall accomplish the return of these long degraded and unhappy members of the human family, to the country in which their God had placed them; from which they have been oppressively torn by the hand of tyranny, to gratify the most sacriligious cupidity. We long to celebrate the jubilee of freedom—of general and unconditional emancipation, of every soul held in bondage, because his skin is dark. We look forward, with fervent hope, to the important era, when we shall see them wending their way across the Atlantic, bearing with them the religion of the cross, and the eternal principles of liberty and equality, to a country where they may organize a government of their choice, and take their sable stand among the nations of the earth. But this is not the work of a day. And if in attempting to identify the colonization and emancipation of our coloured population with the politics of the country, as a popular hobby, before the public mind and resources are prepared to yield to the good work, their effectual sanction, we shall touch the *sensitive chord* with too bold a hand, so as to endanger our *magna charta*, the great cause in hand, and the union, and thus effect the overthrow of our own liberties, the premature zeal *affectede* on the subject must be long a fruitful source of perpetual lamentation. If there were no latent intention in the end, of levying a tax upon the free States, for the purchase of slaves, or in some other way, forcing a manumission—thereby strengthening the inducement and obstinacy of their holders to continue their bondage, until remuneration or compunction of conscience might reach them, they would have excited less jealousy. If, instead of this, the talent of the country were fairly enlisted to convince the people of the slave states, of what their own experience will ultimately show, that free labor is more profitable than slave labor, so as to produce a voluntary abandonment of the unnatural and unchristian practise, without looking to the treasury of the nation, and the consequent introduction before Congress, of a question more dangerous to the constitution than any enemy we have ever yet encountered, tending to incite the blacks to the perpetration of the most horrid insurrections and murders, *means* would have, ere this, flowed into the coffers



of the society in greater profusion. With such modifications, distrust would give place to general support; and the next generation might be saved the mortifying spectacle, of beholding the manacled African writhing in his fetters, in the temple of human freedom. I lay before you, at the request of the Governors of Missouri, Georgia, and South Carolina, resolutions of those states, denying the right, of the general government, by the constitution, to appropriate money for the use of the society.

#### COLOURED PEOPLE IN INDIANA.

Duty to the State of Indiana, requires me to remark, that the scourge of the oppressed is not confined, as it should be, exclusively to the land of the oppressor. But, that this State, in common with her other free sisters, is not exempt from the lash of our crying national sin. A now-productive and in many instances, a super-annuated population, is pouring in upon us, possessing all the affirmative bad qualities of the uneducated, immoralised bondman, without affording any of his advantages, living without visible means, or labor—most of whom are paupers on society. This, being the consequence of expulsion laws of other States, less humane than ours, renders corresponding measures on our part necessary and inevitable. Whilst our laws and institutions proclaim the State an asylum for the good, virtuous, and useful of all nations and colors, it is due to ourselves and to the rights of posterity, that we should not tamely submit to any imposition, which is the direct effect of foreign legislation. Though it might savour somewhat of injustice to interfere with any that are already here, it will still become your province as it is your right, to regulate for the future, by prompt correctives, the emigration into the State, and the continuance of *known paupers*, thrown upon us from any quarter. Such, if they cannot afford, by sureties, indemnity to our citizens in a reasonable time, should be thrown back into the State or country from whence they came. To effect this, it may be proper to require them, on entering the State, to file a proclamation of particulars with evidence. No terms, however, should be demanded which could not, in the nature of things be complied with. For to those of them who will fill up the measure of duties of good citizens, the hand of fellowship should be offered; and to such a proper and necessary portion of the citizens' privileges should be extended, that they may have some inducements to the performance of virtuous deeds. But shorn as they now are, of every incentive of the kind, they can do but little more than agonize in silent despair.

#### INDIANS.

Two tribes of these aboriginal people are still lingering within our borders. Their growing indolence, their alarming

intemperate habits, their primitive simplicity of manners, their increasing dependence upon their social neighbors for the bread of life, their diminished prospects of living by the chase, their perpetration of murders and other outrages of dangerous precedent, their frequent collisions with our people, their unrestrained exhibitions of their own savage customs before our citizens and citizens' children, the impositions which for the lack of knowledge, they are ever suffering from their more artful brothers, and their destitution of any moral code whatever, are all weighty considerations that combine in summoning them before you *as children to be governed*. A trial for half a century, to better their condition as independent nations, or tribes, has only served to increase their future wretchedness. They have, by some unaccountable fatality, acquired all of the vices of the whites, with but few of their virtues. Besides, the absurdity of one independent power residing in another, both the *happiness* of the natives and the policy and interests of the government, call emphatically for a change of relation between the parties. It is time that Agency domination was yielding up its absolute sway, to the mild and salutary laws of free, enlightened and religious freemen. The hearts of the Indians themselves, would team with thanksgiving, after realizing their advantages, for the preserving influences of organic law. If upon the first shock, they should receive, by the extension of the laws of the State over them, their timidity should not overcome them, so as to incline them to sell and move beyond the Mississippi, a cheering hope may yet be indulged, that their infantile offspring may be reared, to understand, venerate and enjoy, the blessings of the social system. The act of enforcing our State laws upon the Indians, must be accompanied with great prudence and forbearance on the part of the executive officers. Between the extension of our laws and their liability to them, sufficient time should be given to enable them to understand the new rule of their conduct. Special modes of promulgating the laws, must of necessity be resorted to. A school for *legal* and other instruction ought to be instituted. Whether these people stay within the State or go to the country allotted to them, after they are brought to an equality with the citizen, and subjected to his burdens and counted in the federal census, their landed possessions must soon form an item in the revenue of the State. If they remove, they will sell to the United States; and if they submit, it is the opinion of the President, that their national property must be carved up into individual rights.

It gives me much pleasure to inform you, that in submitting the

above proposition, I am fortified by the opinion of the President of the United States, and by late legislative enactments, of most of the States that feel an interest in the matter, and have Indians within their limits. The success of the measure must be of signal service to all such States. In the prosecution of our canal, the execution of the policy must produce the most pleasing results. There is nothing in the federal constitution, or in the laws of Congress, to forbid this exercise of power.

#### SPECIAL COURTS.

The many imprisonments in jails for so long a vacation as that which elapses between the semi-yearly terms, at heavy county expense, will appeal to you for a remedy. A power vested somewhere, to convene a court by proclamation, to try special cases, under the existing judicial regulation, is demanded by economy.

#### PROBATE JUDGE.

It will be seen from examination, that the probate law of the last session, needs some revision, and particularly an amendment which will provide for filling the vacancy of the office of probate judge when it may occur.

#### CONTEST OF ELECTIONS.

A less ambiguous law than the one in force, has been found to be necessary, providing for the trial of contested elections, and for certifying their decision to the executive. The duties of the county officers and of the clerk particular, in such cases, should be more carefully pointed out.

#### CHIEF MAGISTRATE.

Since the adjournment of the last Legislature, one distinguished American citizen has retired from the Presidential chair, and another has occupied it. The most sincere regret only can be felt, that the change did not carry along with it, more indications of submission and resignation on the part of the minority, to the mighty work, wrought by the people themselves. A respectful regard for the will and opinions of the majority should have hushed the murmurings of discontent, and displayed a magnanimity as noble as the defeat. The same high sense of patriotic devotion to country, which led the friends of the late chief magistrate, to give to his prosperous administration, a generous, honest and liberal support, because he was the constitutional and legitimate President of the nation, and because his leading measures were based in the public interest, should, with *increased* propriety, incline the *same persons* to sustain the ably and judiciously conducted administration of the excellent man who now guides the helm of State; because he super-adds many reasons offered for giving a support to his predecessor, an irresistible claim to respect and obedience, the omnipotence of public sentiment and publicly expressed popular predilection. If these causes will not, in the public estimation, justify the support of the righteous acts of the present authorities, *then*, we have *already* nothing but a republic shorn of its cardinal principles; a factious minority endeavoring to *rule*—too aristocratic and stubborn to submit to the majority, and trampling their will, as it

were under their unhallowed feet. What besides consistency of conduct in this respect—*standing erect and unchanged upon an unchangeable set of principles*,—will be more efficacious in restoring a distracted country to its departed tranquility? Nothing less than an abandonment of *men*, and an adherence to *measures strictly*, will unite the divided affections of brothers—throw the son into the embrace of his father—and solder the recent enmities of old friends, never excited till the witchery of party and the cry of proscription rent them asunder. Nothing else will place aspirants to public office upon their *moral* character and unalloyed merit. If the broad axiom, allowed to be correct by all, that this is a government of laws and measures and not of men, and that the greatest indifference should be felt as to who the agent is, so that he has merits, be as tenable as popular, it is difficult indeed, to perceive upon what grounds the supporters of the present administration who were supporters of the past one, can be justly made the objects of censure. The will of the people should be the supreme law.

#### PRESIDENTIAL ELECTION.

At the instance of the Governors of the States of Louisiana and Missouri, I lay before you, resolutions of the Legislatures of those States, proposing a change in the Constitution of the United States, relative to the election of President and Vice-President of the same. The history of the eventful struggle which has just terminated—the irritated feelings engendered by a late election by Congress, threatening to rend the Union in twain,—an anxious care for the harmony of the States, and a community of attachment for the purity of elections, constrain us to look to the PEOPLE, as the only safe depository of the stupenduous power and privilege of making the President and Vice President. These resolutions with admirable foresight, contemplate the election of those high officers for the term of six years, and rendering them ineligible afterwards. That the patronage of the President may, in no case, be made to influence State elections; and that the head of the nation may suffer less in character, in the eyes of the world, from the licentiousness of the press, by removing the motive to scandal and misrepresentations—the President should never be allowed to be a candidate for the Presidency. The mode of election ought to be uniform throughout all of the States, by general ticket. The intervention of electors may be dispensed with. The due weight of the States, respectively, should be reserved, as is now guaranteed to them by the constitution. It would be best not to submit the decision in any case whatever, to Congress, for let them act ever so pure, suspicion will assail them.

#### TARIFF.

Relative to the tariff of 1828, it will become my duty to lay before you, reports, preambles and resolutions of the States of Virginia, Georgia and South Carolina. These States are protesting against the present tariff, with a gravity and an earnestness, that entitle the documents which they have placed in our hands, to an attentive perusal, and their contents to the most respectful consideration. At the approaching session of Congress, a revision of the tariff is expected. It

is conceded that the present tariff gave satisfaction, neither to its friends nor its enemies. Hence, the probability of it again being made this winter, the subject of animated debate. Interested as we are, in having a high duty imposed upon every article imported into the country, which the genius, industry and ability of our citizens can manufacture or extract from the bowels of the earth, by labour, or that the soil will produce, the present opportunity of expressing your sentiments to your Congressmen, will doubtless be seized upon with an ardor becoming the special occasion. It is the least of my fears, that any opinion you shall express, will look to the aggrandizement of *any one section* of the confederacy at the expense of another. The three great contending interests of Agriculture, Commerce, and Manufactures, should meet each other on the open field of compromise, and there sacrifice sectional prejudices and jealousies, on the altar of the Divine commandment, "do unto others as you would that they should do unto you," and so settle down upon a new American System which shall do equal justice to all. Let "Greek meet Greek" with the above authority added to the modern axiom, "*we cannot buy unless we can sell,*" and the *hydra* which threatens a dismemberment of the greatest monument of genius and patriotism, of the last half century, must sicken and die under the stroke of its influence.

#### NATIONAL INTERNAL IMPROVEMENT.

You will also be presented with resolutions of the States of Virginia, Georgia and South Carolina, denouncing internal improvements by the General Government, as an infraction of the Federal Constitution. Too many successive heavy majorities of Congress, have sustained their right to improve the interior of the country as well as the Atlantic coast—there is too much justice in distributing equal proportions of the common treasure, to all parts of the country, and the constitution is too explicit in more than one of its provisions delegating expressly the authority to *act*, for any serious effort to be successfully made at this day, to check the progress of a system, bearing in its train, blessings co-extensive with our national boundaries. But though we may consider ourselves secure, in the continued exercise of this power—of so much consequence in the prosecution of works of public and private utility, and for the purposes of defence and commerce:—yet a vigilance commensurate with the great interests at stake, may lead you prudently to make a renewed expression of your approbation of the principle. The preservation of the treasury in nearly its present flourishing state, and the maintenance of this power in the United States, as far as the Constitution, in its limited specifications will permit, constitute our hope for prosecuting many of those mediums of intercourse, which have been marked out in the States as such valuable auxiliaries to our prosperity. If the treasury shall be considerably impaired by a *revenue* tariff only, instead of a tariff for *protection*, the improvement of the interior, by the loss of its very soul and aliment, must suffer a tremendous check.

## DOMAIN.

The wishes of this state on the propriety of a cession from congress of the unappropriated lands within the state, have been solemnly expressed and forwarded to the proper authorities. Nothing has yet been effected; and perhaps nothing will be, until the national debt is discharged. When that event transpires, a principal cause for not yielding the lands to the states, will have been removed. It is not so very clear, whether even a general cession to the states, would be preferable to a sale and an equitable distribution of the proceeds among the states where the lands lie, or if grants could be obtained, from time to time, to aid them in building up seminaries of learning, endowing colleges, improving the navigation of rivers, and for making roads, canals and railways. Applications to Congress for portions of the public lands as we want them for special purposes, may be supported by all of the reasons which could apply to a request for a general cession on a demand of *right*, and would be made with equal modesty and consequent prospects of success; without raising the vexatious question of title. However much we may think we are entitled to the lands in question, however anxious we may be to get them and however strong our claim; yet, it must be evident to all, that it must be prosecuted under the most discouraging circumstances, whilst our delegation in Congress do not *all* act in concert with us, refusing to obey the instructions of the Legislature on the subject, and virtually declaring independence of the same.

## HOSPITAL IN TENNESSEE.

I have it also in charge to lay before you, a resolution of the state of Tennessee inviting a co-operation of all the states, west of the Alleghany mountains, in the erection of a hospital at Memphis in said state. As many of our citizens may become objects of its charity, it is but reasonable that we should divide the burden of the institution, if the location should be approved of by you.

## HOSPITAL IN KENTUCKY.

I shall lay before you another resolution with a report, asking aid to sustain a hospital at Smithfield in Kentucky, erected by that state. This state could have no objection to a power given by Congress to Kentucky, to collect a toll or tax on the commerce of the Ohio river, when the same should land at Smithfield, if her finances should not be in a condition to assist otherwise.

## SCHOOL SECTIONS.

It will be perceived that a committee of the last Congress, reported in favour of authorising a relinquishment to the United States, of the school section sixteen, in any congressional township, when of a limited value, and the selection of any other lands within the district for the use of the inhabitants of such townships. Some of the state authorities, should be directed to select these lands for the townships which may deem it desirable to avail of the privilege, if a law should pass on this subject. This is of sufficient interest to call for a memorial from you on the subject, as there are many school sections in the state, of little or no value.

## INDIANA COLLEGE.

It is supposed that this institution will commence its first session, with about fifty scholars, under the charge of the Rev. Mr. Wiley, its president. Additional sales of the college lands, are called for, to create a fund for the purchase of a library and the necessary apparatus for the professorships. The plan of sales recommended for the disposition of the canal and road grants of land, would, if applied, to those lands, create a handsome fund annually for the gradual increase of a library and other essential college appendages. If any abuses have existed in the institution, they should be promptly exposed; and if on the other hand, its professors have been unrighteously assailed, it will be your pleasing task, to forthwith announce their innocence that confidence in the college, may be more fully confirmed.

## STATE CENSUS.

This Legislature will feel themselves bound to provide for taking the state census, required by the constitution to be taken every fifth year. The ordinary mode of taking the strength of the state may suffice; but, it is believed, that more accuracy would attend the discharge of the important duty, if your law required the appointment of an intelligent individual in *each* township in the state. By this simple process, we shall get our whole strength. And as the Marshal of the state, will take the census also next season, in order to determine our federal representation, this plan might be made to render him much assistance. It might serve to correct his own report, generally *under* the real number of his district. The present strength of the state is thought to be about three hundred and sixty thousand, and if the taking of the census, should be deferred until next fall, so as to avail of the ensuing season's increase natural, and by emigration, we shall confidently look for four hundred thousand souls to be numbered. When this shall be contrasted with the one hundred and forty-seven thousand which was our number in 1820, it will shew an increase in ten years, scarcely to be credited. By the year 1840, Indiana will be ranked in the first class of states. The Empire is rolling westward and soon the tide will flow far beyond us, and so onward, until the check which the Pacific ocean shall give it, will throw back upon us a redundant population.

## CIVIL CODE.

The task of preparing a civil code of laws for the state has been commenced, but owing to a press of private and official business, the labors of a single individual, have not yet been able to place the work in as great a state of forwardness as might be wished. Without an amanuensis, or assistant, it is believed that the code will be completed before the present executive retires from his office. With one, its progress might be greatly accelerated. The necessity for *some* additional system of laws will soon be felt. And a code, which shall furnish the community with law, to enable the people to transact their *ordinary affairs*, without the common expense, trouble or necessity of taking the lawyer's counsel, is one of the reforms loudly called for, in our civil polity. But a Legislature of *disinterested* members will be *essential* to success. This the people can give.

## JURISDICTION.

The trial and acquittal of William Rothwell, in Perry county, in this state, at the late March term of the Circuit Court, on a charge of murder committed on the Ohio river, and the points raised and sustained in the case, must point out the necessity of a declaratory statute on the subject of the concurrent jurisdiction of the states through whose territory this river runs, for the more certain service of process and punishment of offences committed on its waters. It appears that an offender of the highest grade, has been discharged on the ground that this state, by any laws that are in force, has no jurisdiction over offences committed on the Ohio river. However clear it may appear upon examination of authority, that we may take a concurrent jurisdiction on this stream, with the adjoining state of Kentucky, our state law, defining county boundaries, by a vagueness of expression and the location of county lines, in some instances along the *meanders* of the river, together with the judicial decision, may, with propriety, render our right to take cognizance on it, sufficiently doubtful, to require further legislation. Your right to clothe the authorities of the state with this necessary jurisdiction, will appear in an unquestionable shape, by a reference to the last sentence in the fourth article of the Ordinance of Congress, of July 13, 1787, declaring all streams running into the Mississippi and St. Lawrence, common highways, &c., and *more so*, by the eleventh section of an Act of Virginia, erecting Kentucky into an independent state, 18th of December, 1789, by which a concurrent jurisdiction is expressly given to the states that possess the opposite shores of the Ohio river, 1st Vol. Stat. Ky. p. 19.—R. C. Ind. p. 29. To settle the question with respect to the Wabash, you will have to act upon more questionable authority. You will also discover that many counties in the state are bounded by other rivers, which are also common highways, and without some special legislation, the clashing claims of counties to jurisdiction, may become the subject of litigation. What is required, is a law, making that *certain* which is *doubtful*.

## ASYLUMS, &amp;c.

Among the duties which the Constitution expressly enjoins on the Legislature, is that of making provision for the poor, who may have legitimate claims on the aid and beneficence of society. For this purpose, the Constitution requires, that farms or asylums shall be provided for them, so that they may find employment and comfort, and "lose, by their usefulness, the degrading sense of dependence." It is for you to judge whether circumstances will permit, at present, the adoption of a measure of the kind. It is also incumbent on the Legislature to countenance and encourage the principles of humanity, industry, and morality." As the Constitution has proposed few specific modes in which this praiseworthy injunction is to be carried into effect, resolutions, recommending the general practice of the *private*, *public*, and *social* virtues, would not, perhaps, be inappropriate. The philanthropic exertions of the present day, seem not to have confined their career to the amelioration of the condition of our own society. A



long list of societies have been formed, and are forming in our country, bearing some popular or fascinating appellative motto or inscription, all intended to make pecuniary drafts on the purse of the American citizen, to minister to the real or imaginary distresses of a foreign population; in many instances, to the callous neglect of our own. Such laudable efforts would be heightened in general esteem, if they aimed in the first instance, at the amelioration of the unhappy circumstances of the little army of objects of charity, in our own great family, before the misguided spirit of benevolence shall succeed in wafting our munificence and the fruits of our toil, across the seas, in search of a theatre of unthankful and unwelcome exertion. Let the philanthropist but look at home for opportunities to display his pious benevolence, and his eye will recognize many a friendless, moneyless, orphan child, whose soul only waits to be kindled into flame upon education's heavenly altar, that he may leave his rags and wretchedness behind him; and wielding the sword of the hero, or the pen of the statesman, by the force of moral precept in the pulpit, or of eloquence at the bar, or in the senate, rise to the noblest summit of fame, and become a pillar of support to his country—but without some aid, “is doom’d to die unseen.” Much might be effected by the millions of dollars which must leave our country, never to return, in a crusade after foreign displays of liberality, towards spreading the lights of science, and the unctions of a well-aimed charity, to be appreciated, in all enduring time, throughout America, if applied in that way. There are thousands of patriotic, grey-haired fathers and matrons, (besides those who are pensioners for bleeding in the defence of the liberties we enjoy,) and their descendants, who assisted in rearing up and sustaining our beloved institutions, who are eating the bread of poverty, and supping the cup of ingratitude, whose claims to preference, before the Greek or the African, or any other nation that contribute nothing to our support, are solemn and commanding. Whilst our own unfortunate poor are sold to the lowest bidder in the public streets, many of whom have seen days that possessed them with the means and rank far above their purchasers, now compelled to feed upon the crumbs of a scanty meal, and to experience, after a life well spent, just as their sun is setting, their worst days, and even the degradation of mastery, and the separation of kindred ties—and whilst thousands of families are without the word of truth—and tens of thousands of youths who must soon take the reigns of this mighty republic into their hands, are fast rising to maturity, without sufficient intelligence for the stupendous business of self-government—we are admonished by every thing *sacred*, and *dear*, to look *first* to the deranged concerns of *home*. Whatever society, or association, or measure, is calculated to preserve the union of the states—to destroy sectional jealousies—preserve national tranquillity—maintain the public liberty and honor—and to encourage industry, economy, morality, religion, learning, humanity, temperance, and equality among the people—or whatever is purely intended to emancipate and colonize the slave voluntarily—to diffuse intelligence—to improve the country—educate the youth, and circulate the Bible,—if

pursued from honest convictions of duty, and not from political and clerical considerations—are among the important means of promoting the prosperity, power, and happiness of the nation. But whatever may have an indirect tendency to aggrandize a *few* at the sacrifice of the many, or lead to a political or religious aristocracy—to the ascendancy of any one society or class of people over another,—or to sanction the designs, *misrepresentation*, or *dictation* of self-created bodies, never approved by the people, and unknown to the Constitution and laws of the country, subverting and, virtually, mending those instruments, by a *part*, which of right belong to a *whole*—should be compelled to take its rank next in dignity to the most daring, unhallowed treason. Before we approve of unauthorized cabals and institutions, got up for designing and splenetic purposes, let us profit by the advice of the Father of his country, “That all combinations and associations, under whatever plausible character, with a real design to **DIRECT, CONTROL, COUNTERACT**, or **AWE** the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, [the unity of government] and of fatal tendency.”

#### REAL ESTATE.

Justice to our own citizens, and public policy, are again beginning to urge their claims to a law which will place execution defendants in this state, upon an equality with those in the state where the contract was made, in relation to the disposal of the fee simple of real estate. If there is any thing that would justify a law, other than one prospective in its operation, it would be the hardships which some valuable citizens of Indiana are subject to, in being compelled to witness a sacrifice of their homes, without any thing like a just compensation therefor, whilst they may have claims suspended under the more prudent valuation laws of other states, which would afford ample relief, if they could be obtained. Almost all well regulated governments, place some kind of valuable restriction upon the transfer of real estate by the operation of law, whilst some will not permit it at all. There would be strict justice, however, in enacting, that the remedies of the place where contracts are to be executed or are made, should govern in this respect.

#### GAMBLING.

The demoralizing and dishonest practice of gambling for any thing valuable, ought to be assailed, by more searching and efficient laws than any which are in force. There is no offence in our penal code, which is more frequently committed; and no violation of law which escapes with such general license and impunity. This class of offenders take shelter, in nearly all cases, under the principle of law which excuses one from being his own criminator. Though it might be unsafe to interrupt this settled dicta, yet, the gaming fraternity may be compelled, *each* to testify against his *fellow*, and in this manner arrive at justice. Considerable penalties, to be divided among common informers, may tend to bring much of this secret iniquity to light, so ruinous both to the aged and the young.

## HABITUAL DRUNKENNESS.

The rights of maternal and infant innocence may be protected against the ravages of habitual intemperance, in most instances, by placing the estate of the husband or father, into the provisional possession of guardians; whilst the offender will be mortified and punished by the legal deprivation of using his substance at pleasure. And a forfeiture of privileges, until reformation reaches him, may, with every propriety, be attached to the *notorious habitual* drunkard, who has succeeded by a continued course of dissipation, in burying his moral sense of obligation, his intellect, and his further usefulness, in the bowl.

## TITLES.

Other titles than those which are necessary to express the official character of office—such as *Excellency, Honorable, Esquire, &c.*, calculated to draw a contradistinguishing line of demarkation between the officer and citizen of equal worth, is thought to be a remaining badge of *foreign* distinction, which may be dispensed with, without any injury to the cause of simple republicanism. If a man confers *honor* on his *office, title* is a useless appendage;—if it is *necessary* to do *him* honor, it is worse than a burlesque.

## STATE FINANCES.

On the first of December, 1829, the cash remaining in the Treasury, appears to have been \$7727.29, which is chargeable with the following items: Judiciary, \$1225;—Probate Judges, supposed, \$1000;—Circuit prosecutors, \$175;—Specific allowances, \$ 563;—Outstanding warrants, \$362.05;—Conscientious fines, \$542.52;—and Indianapolis fund, \$2726;—making in all, \$6593.57; which, deducted from the said balance, leaves in the Treasury a nett balance of \$1133.72 on said day. The above specified items constitute the state debt. The assessments for the present year, except from the counties of Allen, Dubois, and Scott, amount to \$36997.30, which, added to the estimated assessments of said counties, of \$1003.70,—make, altogether, \$38000.00. Delinquencies, commission, mileage, &c., will probably amount to \$6500,—which, deducted from the \$38000.00, will leave for the Treasury, \$31500.00, including the \$1041.33 of the same already paid.

To the above \$31500, add the balance in the Treasury on the first of December; and the means for the current year amount to \$32633. Though full settlements by all the collectors of this year's revenue, may not be made, the deficit will hardly exceed the collections from old delinquencies. When it is remembered, that a part of the items, of what is denominated debt, are payable at the pleasure of the state, it may be seen, that the available means for the service, can be enlarged. The ordinary expenses of the government this year, need not exceed those of the last,—say \$26000. Whilst it is due to collectors of the last year's revenue, to acknowledge the promptitude with which they have paid the revenue of that year into the Treasury, it is believed, that the assessments of this year, fall short of what ought to be reported to the treasury.

The present revenue law, with such amendments as will require all taxable lands in the state, to contribute to swell the Treasury, by doing away *assessments* of *land*, and making collectors act, in collecting land taxes, upon plots from land offices, considering the unusual emigration to the state this year, and the increase of sources of taxation—ought to return to the Treasury, next season, assessments, nearer to fifty than forty thousand dollars. The above is an exhibit of the Treasury on the first of December instant.

#### THREE PER CENT FUND.

The whole amount of the three per cent fund, which has been received by the different agents of this state, from the United States, is one hundred and five thousand, sixty-seven dollars, and forty-nine cents. The agent of state has also received from the agent of the State Treasury, (canal fund) \$2500. The amount appropriated since the \$100,000, in 1822, is \$5,500, all of which have been expended. If the Legislature shall appropriate any more of this money, until it shall further accumulate, the complexity which has grown out of former legislation upon the subject, and the difficulty attendant upon the distribution of the fund under it, will suggest the necessity of making an entire new arrangement, and division of the fund in future.

Upon the subjects which I have enumerated, and all others which your superior wisdom shall point out, I will cheerfully co-operate with you, by day or by night, to subserve the great and substantial welfare of our mutually beloved country, that we may, by joint exertion, call forth from the constituent, the thrilling plaudit, "WELL DONE."

JAMES B. RAY.

Dec. 8, 1829.

And the senate returned to their chamber.

Mr. Gregory moved, that the senate do now proceed to the election of a Sergeant at Arms;

Which motion did not prevail.

On motion by Mr. Fletcher,

The vote adopting the resolution, permitting the editors of the Indiana State Gazette, and the Indiana Journal, to occupy seats in the senate chamber, for the purpose of taking reports of the proceedings of the senate, was now reconsidered.

The resolution was then amended, by striking therefrom the *proviso*—and adopted, by common consent.

And as amended and adopted, reads as follows:

*Resolved*, That the editors of the Indiana State Gazette and of the Indiana Journal, be permitted to occupy seats in the senate chamber during the present session of the general assembly, for the purpose of reporting the proceedings of the senate; and that they be permitted to have access to the journals, so soon as they are read each morning.

On motion by Mr. Gregory,

*Ordered*, That five hundred copies of the Governor's message be printed for the use of the senate.

Mr. Ewing presented for adoption the following preamble and resolution:

WHEREAS, the great western state road, leading from New Albany to Vincennes, via Paoli, Orange county, and Washington, Daviess county, is represented to be almost impassable, subjecting the public mail, and trade and travel through our state to grievous difficulties and delays, which it becomes the wisdom of the state to devise means to repair:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of granting an act of incorporation, upon liberal principles, to convert said state road into a turn-pike, with power to create a stock for that purpose, setting apart one half said stock to be subscribed for, by the secretary of the treasury of the United States, and such moiety as may be thought proper to be subscribed for on behalf of this state; and have leave to report by bill or otherwise; and,

On motion,

*Ordered*, That said resolution be adopted.

Mr. Claypool laid before the senate, the petition of George Hunt, James Hunt and others, inhabitants of the counties of Wayne and Union; praying the passage of a law to vacate so much of the state road which commences at the state line in Wayne county, and passing by the way of Waterloo and Abington to Connersville, as lies between Abington and the Fayette county line, which was read; and,

*Ordered*, That it be referred to the committee on roads.

Mr. M'Kinney offered for consideration the following resolution.

*Resolved*, That the committee on ways and means be directed to enquire into the expediency of introducing an amendment to the act, entitled "an act for assessing and collecting the revenue," which will so change the present mode of selling non-resident lands for taxes, as to require the collectors of the several counties of the state, upon the non-payment of taxes at the time specified by law, to return such lands to the clerk's office of such county; and that upon such return, the several clerks shall make an entry of such lands in a book to be provided for that purpose; and such entry so made shall constitute a lien upon such lands for the taxes then due and costs; and shall continue such lien for the five years, should the taxes accruing with 100 per cent. per annum not be paid; and that upon the expiration of said five years, the lands shall

be sold; and of the proceeds of such sales said collectors shall receive the taxes, per cent. and costs accruing thereon, and if there be a surplus, pay the same into the county treasury, subject to the control and order of the owner or owners of such land or their legal representatives; and that on such sale, a full and perfect title shall be made to the purchaser or purchasers of such lands, with a provision protective of the rights of infants, idiots and insane persons; and,

*Ordered*, That said resolution be laid on the table.

And the Senate adjourned.

WEDNESDAY, DECEMBER 9th, 1829.

The Senate assembled.

The following message was received from the house of representatives by Mr. Lanier, their clerk:

MR. PRESIDENT:

I am instructed to inform the senate that the house of representatives has adopted the following resolution, viz:

*Resolved*, That a committee of two, be appointed on the part of house of representatives, as a committee of enrolled bills, to act with a similar committee, to be appointed on the part of the senate.

Messrs. Brown and Morrison, have been appointed said committee on the part of the house.

Mr. Claypool presented the petitions of Stanhope Royster and others, inhabitants of Fayette and Union counties, praying such alteration in the law, providing for the sale of school lands, as will authorize a specified number of inhabitants in each township, to decide on the question of sale, or no sale; instead of requiring a majority of all the inhabitants to meet, and decide that question; which petitions were read and referred to the committee on education, to consider and report thereon.

Mr. Givens presented the petition of R. Barber, R. Daniel and others, praying that Paul Casselberry, who is commissioner of the State road, leading from Fredonia to the mouth of the Wabash, may be allowed compensation for certain extra services by him rendered, in procuring subscriptions to a large amount for the purpose of opening said road; which was read and referred to the committee on roads, to consider and report thereon.

Mr. Sering, from the select committee, to whom was referred the petition of George Green and others, stockholders in the Farmers' and Mechanics' Bank of Indiana; now reported a bill, concerning the Farmers' and Mechanics' Bank of Indiana; which was read:

*Ordered*, That it pass to a second reading.

On motion, by Mr. Depauw,

*Resolved*, That the committee on the Judiciary, be directed to enquire into the expediency of changing the times of holding Probate Courts, so as not to interfere with the sessions of Boards of county Justices; with leave to report by bill or otherwise.

On motion, by Mr. Gregory,

*Resolved*, That the judiciary committee, be instructed to prepare and report a bill to the senate, making one uniform system of transacting county business throughout the State, so that no one county shall differ from the other in the manner of transacting their county or township business.

Mr. Robb, offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the committee on education, be instructed to enquire into the expediency of reducing the minimum price of the seminary lands, situated in Gibson county, and report by bill or otherwise:

And the same having been read,

Mr. Maxwell moved to amend the resolution, by adding after the word Gibson, the words "and Monroe," and by changing the word "county," into the word "counties;" which motion prevailed: and the resolution being amended to read as follows, to wit:

"*Resolved*, That the committee on education, be instructed to enquire into the expediency of reducing the minimum price of lands in Gibson and Monroe counties; and that they report by bill or otherwise," was again read and adopted.

On motion, by Mr. Sering,

*Resolved*, That the credentials of the newly elected senators, be referred to the standing committee on elections.

On motion by Mr. Givens,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending the law, relative to crime and punishment, so as to punish an attempt to take the life by poison, and that they report by bill or otherwise.

On motion by Mr. Linton,

*Resolved*, That the committee on the Judiciary, be instructed to enquire into the expediency of amending the following

provisions of the act, entitled "An act, to organize probate courts, and defining the duties of executors and administrators:"

Amend the 9th section, so that appeals shall be taken to the Supreme Court, instead of the Circuit Court.

Amend the last paragraph of the 18th section, so as to refer to the ninth, instead of the tenth section.

Amend the 20th section, so as to set forth more clearly, the meaning and intention of the legislature, in regard to special liens, who shall be parties, and the time allowed to non-residents, for making themselves parties to proceedings.

Amend the 16th section, so as that executors or administrators may obtain credits for notes or other obligations, taken from purchasers of personal property, who have or shall hereafter, prove insolvent before the same shall have become due, and is collected; making it the duty of the probate courts to require satisfactory proof of the solvency of the purchaser or securities, at the time of contracting the debt; and report by bill or otherwise.

Mr. Depauw, on leave being granted, introduced a bill, legalizing the election of Probate Judge, in the county of Washington, which was read;

*Ordered*, That it pass to a second reading;

Mr. Stevens, on leave being granted, introduced a bill, to establish a state road from Lake Michigan, by the way of Indianapolis, to the Ohio river, which was read;

*Ordered*, That it pass to a second reading:

The bill was then read a second time, by common consent;

And, on motion by Mr. Stevens,

*Ordered*, That it be referred to the committee on roads, to consider and report thereon.

The President now laid before the senate, the following communication from the Secretary of State:

SECRETARY'S OFFICE,  
December 8th, 1829.)

HON. MILTON STAPP,

*President of the Senate:*

SIR—I beg leave to inform the senate, through you, that one hundred and twenty-six copies of the acts of the 2nd session of the 20th congress of the United States, have been received at this department, for the purpose of being "deposited in such fixed and convenient places in each county, or other subordinate civil division of the State, as the executive or legislature shall



deem most conducive to the general information of the people." Three copies of Gordon's Digest of the laws of the United States, and three sets of the Documents of the 1st session of the 20th congress, for the use of the executive and branches of the legislature, have also been received.

Very respectfully,

Your obedient servant,

JAMES MORRISON.

Which was read:

*Ordered*, That it lie on the table:

And, also the following communication from the Secretary of State:

SECRETARY'S OFFICE,  
December 8th, 1829.

HON. MILTON STAPP,

*President of the Senate:*

SIR—Messrs. James and Alexander Hamilton, have contracted to furnish fire wood, cut and split, for the use of the present general assembly, at the rate of eighty-five cents per diem.

I am, sir, respectfully,

JAMES MORRISON.

Which was read, and

On motion by Mr. Stevens,

*Ordered*, That it be referred to the committee of Ways and Means, to consider and report thereon.

And the senate adjourned.

*Two o'clock, P. M.*

The senate assembled.

Mr. Gregory, on leave being granted, introduced the petition of William M'Cord and others, praying the re-location of a part of the State road, leading from a point on the State line, between the States of Illinois and Indiana, in a direction to Vandalia, by certain points in Indiana, to Greensburgh, in Decatur county; which was read:

*Ordered*, That it be referred to the committee on roads, to consider and report thereon.

Mr. Linton, on leave being granted, presented the petition of Neely Beem and others, praying an appropriation, by law, for the purpose of removing the obstructions out of El river, which was read.

*Ordered*, That it be referred to a select committee, composed of Messrs. Linton, Orr and Maxwell, to consider and report thereon.

And the Senate adjourned.

THURSDAY, DECEMBER 10, 1829.

The Senate assembled.

Mr. Blair presented the petition of James Cunningham, William Wilmot and others, inhabitants of Warren county, praying the passage of a law to change the mode of doing county business in said county; which was read.

*Ordered*, That it be referred to the judiciary committee, to consider and report thereon.

Mr. Graham presented the petition of William Marshall and others, inhabitants of Jackson county, praying the passage of a law authorizing the incorporation of companies for certain purposes therein named: which was read.

*Ordered*, That it be referred to the judiciary committee.

Mr. Clendenin, presented the petition of Jonathan Lomax and others, inhabitants of Orange county, praying a change in the mode of doing probate business, for certain reasons in the said petition set forth: which was read.

*Ordered*, That it be referred to the judiciary committee, to consider and report thereon.

Mr. Robb presented the petition of Oliver Lucas, an inhabitant of Gibson county, praying the passage of a law, legalizing an order of the Gibson circuit court, relative to an alteration in a certain state road, running through the county of Gibson: which was read.

*Ordered*, That it be referred to a select committee, composed of Messrs. Robb, Daniel and Lane, to consider and report thereon.

On motion by Mr. Claypool,

*Resolved*, That the committee of elections be instructed to enquire into the propriety of changing the manner of appointing county treasurers from the mode now pursued, to an election by the people: with leave to report.

On motion by Mr. Graham,

*Resolved*, That the secretary of state, be requested to inform the senate, whether the laws and journals of the last session of the general assembly have been distributed to the several counties according to law.

On motion, by Mr. Fletcher,

*Resolved*, That the judiciary committee enquire into the expediency of arranging the several judicial circuits in this state so as to equalize the labours of the several president judges, as near as possible.

On motion by Mr. Graham,

*Resolved*, That the committee of ways and means, be instructed to report a bill, providing that, whenever any real estate shall be offered for sale on execution, at the suit of the state, and the same cannot be sold at a reasonable price for want of buyers, that in such case it shall be lawful for the treasurer of state to cause the same to be purchased in the name of, and for the use and benefit of the state.

On motion by Mr. Orr.

*Resolved*, That the committee on the judiciary, be instructed to enquire if any, and if any, what provision can be made by law to effect a more early distribution of the laws and journals of the general assembly among the several counties; with leave to report by bill or otherwise.

On motion by Mr. Ewing,

*Resolved*, That the committee on the judiciary, be instructed to enquire into the expediency of defining and regulating the power now exercised by judges and other officers, to punish for supposed contempts of their own dignity and authority by summary proceedings; also to enquire into the expediency of restraining and regulating the discretionary powers now exercised by instruction to juries, and in other cases; with leave to report by bill or otherwise.

On motion by Mr. Linton,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of making it the duty of supervisors of roads to make out complete lists of the names of all persons in their respective road districts, liable to work upon public highways, together with a list of all such, as have refused or neglected to attend the notice of supervisors for that purpose, setting forth, whether they are put in suit, and the condition generally of such claims, and deliver a copy of the same to their respective successors in office; also to enquire into the expediency of making it the duty of supervisors to put all claims arising under the 15th section of the act upon the subject of roads, approved January 24th, 1828, in suit within ten days after the same become due, appropriating the avails as directed by that act, or paying the same to their successors in office to be so appropriated.

On motion by Mr. Graham,

*Resolved*, That the judiciary committee, be instructed to enquire into the expediency of passing a law making it necessary to have the bonds of sheriffs and collectors of the revenue, recorded in the recorder's office of the proper country, and also making such bonds, a lien on the estates of the parties until six months after the revenue shall have been due at the state or county treasury.

*Ordered*, To be now entered on the journals, that James Blair, senator from the counties of Parke and Putnam, and who arrived on Monday evening, took his seat in senate on Tuesday the 8th instant, and then, through inadvertance, omitted to be entered.

The senate now proceeded to take up the orders of the day.

The bill concerning the Farmers' and Mechanics' Bank of Indiana; was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill legalizing the election of the Probate Judge in the county of Washington: was read a second time.

*Ordered*, That it be committed to the Judiciary committee, to consider and report thereon.

And the senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

On motion by Mr. Maxwell,

*Ordered*, That the governor's message be committed to a committee of the whole senate, and made the order of the day for this day now:

Whereupon,

The senate, according to order, resolved itself into committee of the whole senate, on the governor's message, Mr. Stevens in the chair; when, after some time spent thereon, the committee rose; Mr. President resumed the chair, and Mr. Chairman reported, that the committee of the whole senate, had, according to order, had the governor's message under consideration, had adopted sundry resolutions thereon, and had instructed him to report the same to the senate, and request concurrence therein; and the resolutions being now read in senate as follows, to wit:

1. *Resolved*, That so much as relates to the Wabash and Erie

canal, and so much as relates to obstructions in the Wabash river, and in the White rivers, be referred to the committee on canals and internal improvements.

2. *Resolved*, That so much of the governor's message, as occupies the first page of the Indiana State Gazette, including the various heads of markets, state internal improvements, national, New York, and Mississippi rail ways, Michigan and Ohio turnpikes, and also the residue of the two first columns in the second page, as far as roller and wheel road inclusive, be referred to the standing committee on roads, with leave to report by bill or bills, or otherwise.

3. *Resolved*, That so much of the governor's message, as relates to taking the state census, be referred to the committee on elections, with leave to report by bill or otherwise.

4. *Resolved*, That so much of the governor's message, as relates to the militia, be referred to the committee on military affairs.

5. *Resolved*, That so much of the governor's message as relates to jurisdiction, be referred to the judiciary committee, to report thereon, by bill or otherwise.

6. *Resolved*, That so much of the message as relates to the three per cent. fund, be referred to the standing committee on roads.

7. *Resolved*, That so much of the governor's message as relates to the state college, and education generally, be referred to the committee on education.

8. *Resolved*, That so much of the governor's message as relates to special courts and probate judges, be referred to the judiciary committee.

9. *Resolved*, That so much of the message, as recommends the abolition of titles, which are calculated to draw a contradistinguishing line of demarkation between the officer and citizen of equal worth, be referred to the Judiciary, to report thereon, by bill or otherwise.

10. *Resolved*, That so much as relates to colonization, and to colored people in Indiana, be referred to the Judiciary committee.

11. *Resolved*, That so much of the governor's message, as relates to gambling and habitual drunkenness, be referred to the Judiciary committee.

12. *Resolved*, That so much of the governor's message, as relates to the "civil code," be referred to the Judiciary committee.

13. *Resolved*, That so much of the governor's message, as relates to the national road, be referred to a select committee.

14. *Resolved*, That so much of the message as relates to asylums, be submitted to a select committee.

15. *Resolved*, That so much of the governor's message as relates to contested elections, be referred to the standing committee on elections.

16. *Resolved*, That so much of the message as relates to the Indians, and extending the laws of the State over the Indian tribes, be referred to the Judiciary committee.

17. *Resolved*, That so much thereof, as relates to agriculture, mechanics and arts, be referred to a select committee.

18. *Resolved*, That so much of the message as relates to the domain, be referred to a select committee.

19. *Resolved*, That so much of the governor's message, as relates to real estate, be referred to the committee on the Judiciary.

When, the said resolutions having been now read at the secretary's table, seriatim, were all concurred in, except the ninth resolution, which was not concurred in. And,

On motion by Mr. Graham,

*Resolved*, That so much of the governor's message as relates to the tariff, be referred to a select committee.

*Ordered*, That Messrs. Linton, Lomax, Orr, Fletcher and Morgan, be the select committee, in conformity with the requisition in the thirteenth resolution, to consider and report thereon:

That Messrs. M'Kinney, Maxwell, Depauw, Robb and Lomax, the select committee on the fourteenth resolution, to consider and report thereon:

That Messrs. Ewing, Sering, Clendenin, Worth and Lane, the select committee on the seventeenth resolution, to consider and report thereon:

That Messrs. Graham, Fletcher, Stevens, Linton, Gregory and Ewing, the committee on the eighteenth resolution, to consider and report thereon: And,

That Messrs. Graham, M'Kinney, Claypool, Daniel and Blair, the committee on the last mentioned resolution, relative to the tariff, to consider and report thereon.

And the Senate adjourned.

FRIDAY, DECEMBER 11th, 1826.

The Senate assembled.

Mr. Worth presented sundry petitions of J. T. Douglass, John Russell and others, inhabitants of Randolph, Delaware and Cass counties, praying the establishment of a State road, from Richmond in Wayne county, to Logansport in Cass county, which were read and referred to the committee on roads, to consider and report thereon.

Mr. Graham, from the select committee, to whom was referred the resolution relative to the sale of real estate, sold on execution, at the suit of the State, now reported "a bill in addition to the several acts in force, relative to the collection of the revenue": which was read.

*Ordered*, That it pass to a second reading.

Mr. Stevens, from the judiciary committee, to whom was referred, a resolution of the senate, instructing them to enquire into the expediency of so amending the laws relative to crime and punishment, as to punish an attempt to take life by poison, now reported, that they have performed that duty, and are of opinion that the 18th section of the act, entitled "an act, relative to crime and punishment," approved 20th January, 1824, fully provides for such offences, and that further legislation on the subject is unnecessary; and pray to be discharged from the further consideration thereof: which report was read.

*Ordered*, That the committee be discharged from the further consideration of that subject.

Mr. Stevens, from the judiciary committee, to whom was referred, a resolution of the senate, directing them to report a bill, defining one uniform system throughout the state for the transaction of county and township business; now report, that although they are fully impressed with the importance and urgent necessity of the measure entrusted to them, they are unable to perform the duty assigned them, for want of unanimity in agreeing upon the details of any uniform system, and pray that the committee be discharged from the further consideration thereof: which report was read.

*Ordered*, That the judiciary committee be discharged from the further consideration of that subject.

Mr. Stevens, from the judiciary committee, to whom the subject had been referred, now reported "a bill to extend a certain act therein named, to the county of Warren." which was read.

*Ordered*, That it pass to a second reading.

Mr. Robb, from the select committee, to whom was referred the petition of Oliver Lucas, now reported, a bill legalizing the proceedings relating to a change in the state road, leading from Owensville, in Gibson county, to Cynthiana in Posey county: which was read.

*Ordered*, That it pass to a second reading.

On motion by Mr. Lomax,

*Resolved*, That the committee on education, be requested to enquire into the expediency of so amending the law of the last session of the general assembly, which provides for the sale of the school lands, as to enable the people of the several townships which have not sold their school lands, to sell and convey the said lands, also to have the management of their funds.

On motion by Mr. Maxwell,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the law, defining crime and punishment, as to make the cutting and carrying off timber from the lands of individuals, punishable with imprisonment, except when such cutting and removal shall be by consent of the owner, or authorised by law.

On motion by Mr. Orr,

*Resolved*, That the committee on military affairs, be instructed to enquire into the expediency of exempting from a fine, for want of fire-arms, such of the militia of this state, as are not the owners or possessors of fire-arms, at the time required to perform military duty.

On motion by Mr. Lemon,

*Resolved*, That the committee on military affairs, be instructed to enquire into the expediency of revising the militia law, and, that they report by bill or otherwise.

On motion, by Mr. Gregory,

*Resolved*, That the committee on the affairs of the town of Indianapolis, be instructed to call on the agent of said town, for a complete list, as far as is in his power to furnish, of the monies which have been collected for rents, fines for cutting timber and removing the same, with a request that he may report as early as possible.

On motion by Mr. Linton,

*Resolved*, That the select committee, to whom was referred, so much of the governor's message as relates to the national road, be instructed to report a bill, providing for the protection of the same, from obstruction and wanton abuse, after being opened by the United States.



On motion by Mr. Robb,

*Resolved*, That the Judiciary committee, be instructed to enquire whether any, and if any, what alterations or amendments are necessary to the existing provisions made for ascertaining and recovering damages under the occupying claimant law, and that they report by bill or otherwise.

On motion by Mr. Graham,

*Resolved*, That a select committee be appointed to enquire what amendments, if any, are necessary to be made in the law, regulating the interest on money, with leave to report thereon.

*Ordered*, That Messrs. Graham, Linton and Sering, be that committee.

On motion by Mr. Linton,

*Resolved*, That the committee on education, be instructed to enquire into the expediency of collating and embodying all the laws now in force, on the subject of schools, and school lands, and if expedient, report a bill, embracing in its provisions a system for the management of all the school lands.

The President laid before the senate, the following communication from the Governor:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, INDIANA,  
*December 10th, 1829,*

HON. MILTON STAPP,

*President of the Senate:*

SIR—enclosed, I herewith transmit to you for the use of the senate and house of representatives, the report of Mr. James Borland, the treasurer of the Indiana college.

Respectfully,

Your obedient servant,

J. BROWN RAY.

TO HIS EXCELLENCY, J. B. RAY, GOVERNOR OF THE STATE OF INDIANA:

In discharging the duties of the treasurer of the Indiana college, the following of the receipts and expenditures since the 26th of November, 1823, up to the present time, (being the whole that came into his hands,) is respectfully submitted.

Remaining in the treasury on the 26th of Nov. 1828,	\$14 45 <sup>6</sup> / <sub>100</sub>
Received of the students,	311 75

	\$326 20 <sup>2</sup> / <sub>100</sub>
Paid to the orders of trustees,	259 56 <sup>4</sup> / <sub>100</sub>

Which being deducted from the above, leaves in the treasury,	\$66 64
--	---------

Respectfully submitted,

JAMES BORLAND, Treasurer.

Nov. 28th, 1829.

Which communication and report were read.

Ordered, That the report be referred to the committee on education.

The President laid before the senate, the following communication, report, and document, from Jeremiah Sullivan, Esq. the commissioner appointed to adjust the terms upon which the lands granted to this state, by the act of congress of the 2d March, 1826, shall be conveyed to the state of Ohio, to wit:

INDIANAPOLIS, DEC. 10, 1829.

SIR:

In obedience to a joint resolution of the general assembly of the state of Indiana, entitled "A joint Resolution appointing a commissioner, to adjust the terms upon which the lands granted to this state, by the act of Congress of the 2d March, 1827, shall be conveyed to the state of Ohio," approved January 5, 1829, I transmit for the consideration of the Senate, a report of my proceedings in the negotiation with the state of Ohio, in relation to the Wabash and Miami Canal; and a copy of the compact made with that state.

I have the honor to be

Your very obt. servt.

JER. SULLIVAN.

HON. MILTON STAPP,

*Pres. of the Senate.*

## COPY OF COMPACT WITH OHIO.

WYLLYS SILLIMAN, Commissioner on the part of the state of Ohio, and JEREMIAH SULLIVAN, Commissioner on the part of the state of Indiana, duly appointed and commissioned, as such, by their respective states, "to treat of and adjust the terms upon which the right and interest of the state of Indiana, in the land within the state of Ohio, granted to the state of Indiana, by the act of Congress of the second of March, 1827, entitled "An Act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said state in opening a canal, to connect the waters of the Wabash river with those of Lake Erie," shall be conveyed and relinquished to the state of Ohio; to provide for, and secure to those citizens of the state of Indiana, who may

Hereafter be engaged in the transportation of merchandize on the Miami canal, the same terms that the citizens of Ohio may be allowed, and enjoy on the Wabash and Miami canal; to ascertain the time when the state of Ohio will construct the Miami canal; and to agree upon the manner and terms, upon which, the Wabash and Miami canal of Indiana, and the Miami canal of Ohio shall be connected; having interchanged their full powers to act in the premises, do enter into the following agreement:

1. It is stipulated and agreed by and between the contracting parties, as aforesaid, for and in consideration of the acts, hereinafter stipulated, to be performed by the state of Indiana, that the state of Ohio will construct that part of said Wabash and Miami canal, that lies within her limits; and that the state of Ohio shall commence the construction of the same, within five years from the first day of January, 1830, and complete the same within fifteen years thereafter: Provided, that the state of Indiana shall have commenced that part of said canal, which will be within the limits of the state of Indiana, within the period limited by the act of Congress aforesaid, approved the 2d March, 1827.

2 It is also stipulated and agreed, in consideration as aforesaid, that the state of Ohio shall keep and preserve that part of said canal, within the limits of the state of Ohio, in such a state of repair, as always to admit of the free and uninterrupted navigation of the same, and that the citizens of the state of Indiana shall be permitted to navigate the same with their boats, merchandize, and all other property, and shall be subject to the payment of no higher, or other tolls, duties or impositions, than are paid by, or imposed on the citizens of Ohio, navigating the principal canals of Ohio.

3. The state of Indiana, for and in consideration of the stipulations and agreements, as aforesaid, to be performed by the state of Ohio, doth agree, that she will, within one year, after this contract shall have been ratified by the legislatures of the respective states, convey and relinquish to the state of Ohio, all the right, title and interest granted to the state of Indiana, to the lands within the limits of the state of Ohio, by the before recited act of Congress of the 2d March, 1827; but it is fully understood, and it is agreed by and between the contracting parties aforesaid, that if the state of Ohio should fail, after having ratified this contract, to complete that part of said canal which shall lie within the limits of said state as aforesaid, within the time stipulated in this contract, then the said lands, hereby agreed to be conveyed to the state of Ohio, shall revert to the state of Indiana; and the state of Ohio, shall release to the state of Indiana, all the right, title and interest, she shall have acquired therein, by virtue of this contract, or otherwise; and it is further agreed and stipulated by and between the contracting parties, as aforesaid, that if the state of Ohio shall have sold, or otherwise disposed of said lands, or any part of them, then in case of failure as aforesaid, the state of Ohio shall pay to the state of Indiana, the amount of monies for which said lands

shall have been sold, and which shall, in no case, be less than one dollar and twenty-five cents per acre.

4. It is furthermore agreed and stipulated, by and between the parties aforesaid, that the state of Indiana shall complete that part of said canal, which shall be within the limits of said state, within fifteen years from the first day of January, 1830.

5. It is further stipulated and agreed, by and between the said contracting parties, that the said canal, when finished, shall be open to the navigation of the citizens of the other states of the Union, upon the same terms that the same is navigated by the citizens of Ohio and Indiana.

6. It is further agreed by the contracting parties as aforesaid, that so soon as this contract shall have been fully ratified, the legislatures of the respective states of Indiana and Ohio shall apply to the Congress of the United states, so to modify the said grant of land made to the state of Indiana by the act of Congress aforesaid, as to vest in the state of Ohio, the title to so much of said lands, as lies within the limits of said state, when the state of Ohio shall have completed, in good faith, that part of said canal, which shall be within the limits of said state, and which, when made, shall supercede the necessity of any deed of relinquishment, or other grant of said lands, from the state of Indiana to the state of Ohio.

7. It is further agreed by the contracting parties as aforesaid, that this contract shall be perpetual between the said states, parties hereto, subject nevertheless, to such alterations and modifications, as may be mutually agreed upon by the legislatures of the said states.

8. It is further agreed that this compact shall be ratified or rejected by the legislatures of the respective states, parties hereto, prior to the first day of February, 1831.

In witness whereof we have hereunto set our hands at Cincinnati, in the state of Ohio, this third day of October, 1829.

(Signed,) W. SILLIMAN.  
JER. SULLIVAN.

*To the General Assembly of the State of Indiana.*

The Commissioner appointed by the General Assembly of the state of Indiana, to adjust the terms upon which the lands granted to this state by the act of Congress, of the second of March 1827, shall be conveyed to the state of Ohio, did in obedience to the joint resolution of the General Assembly, approved January 5th, 1829, forthwith proceed to the seat of government of the state of Ohio, for the purpose of entering upon the negotiation entrusted to him. The legislature of Ohio, acknowledging the importance and necessity of the adjustment asked for by Indiana, did, after due deliberation, authorize and require the Governor of that state to appoint a Commissioner to treat with the undersigned; and to report his proceedings to the General Assembly of that state, for its approval or rejection.

Having been officially informed of the appointment of Wylls Silli-

man, Esq. Commissioner on the part of the state of Ohio, I had the honor of meeting that gentleman, and of entering with him on the consideration of the following subjects, with which the undersigned is charged in the joint resolution above referred to.

1. The terms upon which the right and interest of the state of Indiana, the land within the state of Ohio, granted to the state of Indiana, by the act of Congress of the second of March 1827, shall be conveyed and relinquished to the state of Ohio.

2. What provisions should be made, securing to the citizens of the state of Indiana, who may be engaged in the transportation of merchandise on the Miami Canal, the same privileges, and the same terms that the citizens of Ohio may be allowed and enjoy, on the Wabash and Miami Canal.

3. The time when the state of Ohio will construct the Miami Canal, and

4. The manner and terms upon which the Wabash and Miami Canal of Indiana, and the Miami Canal of Ohio shall be connected.

After much deliberation we agreed upon a compact, the original of which is filed in the office of the secretary of state, and a copy of which is herewith transmitted for the consideration of the General Assembly.

The undersigned regrets that a contract more satisfactory in its provisions, and particularly with regard to the period within which the whole line of the Canal shall be completed, could not be made. On that point the Ohio commissioner was unyielding. Believing that the states could accomplish the work in a much shorter time than fifteen years, I proposed to the Ohio Commissioner a period less distant, and urged its acceptance upon him, but finding that he was bound by instructions from which he did not feel at liberty to depart, and remembering that our proceedings would receive the deliberate consideration of the General Assembly, I submitted to that provision and signed the contract. It will be remembered that Ohio is now engaged, in works of vast extent, and although she is rich in resources, strong in numbers, and in every respect entirely competent to fulfil all her engagements, yet she is unwilling to embarrass herself with new undertakings or to project new works, until those in progress are completed. The works in which that state is now engaged will be completed it is believed in less than five years, after which it is hoped, she will keep pace with Indiana in the construction of the Wabash and Miami Canal. The fact that the trade and commerce of the northern and most fertile parts of Indiana, Illinois and other regions further west, would become tributary to Ohio, by the extension of the Wabash and Miami Canal through her limits, is a sufficient guarantee that Ohio will, at no distant day extend it to the Maumee Bay. It is well known in the state of Ohio, that the waters of the Wabash, can be connected by a Canal with the waters of Lake Erie, without entering upon the territory of Ohio.

We are therefore assured, not only from the magnanimity of her character, but by the wisdom and providence of her councils, that Ohio

will complete the contemplated canal on the most direct route, to the Maumee Bay.

That Ohio would make a contract by which she could obtain the use of our lands for a few years, without intending in good faith to complete the Canal within her limits, in the time agreed on, is not to be supposed. The bare supposition, that she may do so, is dishonoring to that state. The grant of lands from the Congress of the United States to the state of Indiana, puts it in the power of Indiana to dispose of the lands in that grant, and use the proceeds for twenty years, and then pay to the government the value of the lands, without interest. The imputation that Indiana would act dishonorably and in bad faith, was not made on the floor of Congress, when the bill making that grant was under consideration. Such a supposition would have amounted to a charge of perfidy, and would have been indignantly repelled. Would the legislature of Indiana have accepted the grant made by the act of Congress of the 2d March 1827, if it had contained a provision, that in case of failure to complete the Canal within twenty years, the value of the land, with interest, should be paid to the United States? If she would not, we cannot suppose that any compact made with the state of Ohio, containing such a provision, would be ratified by that state.

The undersigned supposed, that all the advantages which the state of Indiana had acquired by the grant of the second March, 1827, would be cheerfully surrendered to the state of Ohio, so soon as she would undertake, in good faith to relieve Indiana of the labor and expense of extending the canal, and completing the work herself. Under this impression he acted, the propriety of which, he submits to the general assembly.

In relation to the extension of the Miami canal, the manner and terms upon which the Wabash and Miami canal of Indiana, and the Miami canal of Ohio, shall be connected, and the privileges to be secured to the citizens of Indiana, navigating the Miami canal, the undersigned communicates, that on these subjects, or either of them, the Ohio commissioner was unwilling to treat. The extension of the Miami canal to the lake, is not yet authorized by the legislature of Ohio, nor is its practicability satisfactorily ascertained. It is obvious therefore, that all negotiation on these points, at this time, would be premature.

I have the honor to be,

With respect,

Yr. vy. obt. servt.

JER. SULLIVAN.

HON. MILTON STAPP,

Pres't. of the Senate.

*Indianapolis, Dec. 10, 1829.*

And, on motion by Mr. Orr,

*Resolved*, That the report of our commissioner, (Mr. Sullivan,) and the compact with Ohio, be referred to the committee on

canals and internal improvements, and that five hundred copies accompanied with the act of congress of March 2d, 1827, donating certain lands for the use of a canal along the Wabash &c. and so much of the subsequent act of May 24th, 1828, as relates to said lands and lying in Ohio, be printed for the use of the senate.

The senate now according to order, resolved itself into committee of the whole on the bill concerning the Farmers' and Mechanics' Bank of Indiana; Mr. Depauw in the chair, when, after sometime spent thereon, the committee rose, Mr. President resumed the chair, and Mr. Chairman reported the bill to the senate without amendment.

*Ordered*, That it lie on the table.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

Mr. Lemon offered for consideration and adoption the following resolution, to wit:

*Resolved*, That the senate now proceed to elect a Sergeant at Arms; and,

On the question, Shall this resolution be adopted? It was determined in the negative.

On motion by Mr. Linton,

*Ordered*, That Mr. Orr be added to the committee on roads.

On motion, by Mr. Depauw,

*Ordered*, That Mr. Lomax, be added to the committee on education.

The President laid before the senate, the following communication from the secretary of state, to wit:

SECRETARY'S OFFICE,  
December 11th, 1829.

HON. MILTON STAFF,

*President of the Senate:*

SIR—The Secretary of State, in obedience to a resolution of the senate, adopted yesterday, requesting to be informed, "whether the laws and journals of the last session of the general assembly, have been distributed to the several counties, according to law," would respectfully lay before the senate, a statement of all the facts, in reference to their distribution, so far as they have come to his knowledge.

The job of distributing was given to Philip Hedges, on the 14th day of February last, (he being the lowest bidder,) at the sum of \$224—Bond with security, was filed to the acceptance of the Secretary, Auditor and Treasurer. The printing was completed on the 9th of May last. On the 20th May, the contractor appeared and receipted for the laws and journals, to be by him distributed, agreeably to the act of 1825.—He also receipted for 59 copies of the acts of congress of 1822, 6, 7 and 8, bound in one volume, to be distributed, one copy to each county. 3894 copies of the school act of 1829—66 copies to each county. Twenty-two journals of the senate were put up and directed to each senator, by name, and eleven copies of the journals of the house of representatives, to each member thereof in like manner. Cass county had also to be furnished with 10 copies of the revised code of 1824, and the same number of copies of each subsequent session. These were also receipted for by the contractor.

As the secretary of State has received no receipt, either from the clerks of circuit courts, (except from the county of Allen,) or the contractor, he has no conclusive data upon which to predicate the information requested by the resolution of the senate; but that the contractor has failed in some degree, to perform his contract, can be ascertained by reference to several of the senators and representatives present. It was rumored some time since, that no laws or journals had reached Washington and Jackson counties. As soon as it was ascertained that the packages for those counties remained at New Albany, the post master at that place was requested to have them forwarded at the expense of the State; and at the same time, 30 copies of the acts were forwarded by a special messenger to Jackson county, and 42 to Washington. It is understood that the laws and journals delivered to the contractor for Washington, have at last reached that county, but that those intended for Jackson are still missing. The senator from Posey has not received his journals.

The foregoing is about all the information the undersigned can give. He has never seen the contractor since he started on his distributing tour. No certificate of his performance of contract has been given.

Copies of Mr. Hedge's bond and receipt will be cheerfully furnished the senate if required.

Respectfully submitted,

JAMES MORRISON.

When,

Mr. Graham moved that it be referred to the committee of



ways and means, to consider and report thereon; and, previous to taking any question on this motion,

Mr. Orr moved that it lie on the table; which last motion did not prevail.

*Ordered*, That it be referred to the committee of ways and means, to consider and report thereon.

On motion by Mr. Graham,

The bill concerning the Farmer's and Mechanick's bank of Indiana, was taken up, when,

Mr. Graham proposed the following *proviso* as an amendment to said bill:

*"Provided, however,* That nothing herein before contained shall be so construed as to give other or greater powers than could or might be legally exercised by the president, directors and company of the Farmer's and Mechanick's bank of Indiana, at the time of the taking effect of this act; and,

On the question, Shall this amendment be adopted? It was determined in the negative.

*Ordered*, That the bill be engrossed and read a third time.

The President laid before the senate, the following communication, annual and other reports from the treasurer of state, to wit:

TREASURER'S OFFICE, }  
December 10, 1829. }

SIR:

Herewith are transmitted to be laid before the senate, the following papers, viz:

- No. 1. Annual report of Treasurer.
2. Loan office Report.
3. List of borrowers of Seminary funds.
4. List of payments from Contingent fund.
5. Stationary purchased by Treasurer, for the use of the state.

I have the honor to be &c.

S. MERRILL.

HON. M. STAPLE.

(No. 1.)

TREASURY DEPARTMENT, }  
December 10, 1829. }

The Treasurer in obedience to the directions of the "act concerning the Auditor of Public accounts and Treasurer of State, respectfully submits the following report of the Public Revenue and expenditure from December 1, 1828, to December 5, 1829:

Amount in the treasury Dec. 1, 1828,	\$11,348 01
Receipts from that period to 5th Dec. 1829.	
From taxes due for the year 1822,	\$145 47
" " " " " 1823,	606 13
" " " " " 1824,	69 60
" " " " " 1825,	19 52
" " " " " 1826,	144 38
" " " " " 1827,	218 10
" " " " " 1828,	27001 86
" " " " " 1829,	2885 08
" Sales of lots in Indianapolis,	3053 81
" " of seminary lands,	4617 91
" " of lands mortgaged to loan office,	271 50
" Loans refunded	496 84
" Interest on loans,	1394 79
" Adm'r of T. Deccast, who left no heirs,	36 74
" Militia fines, 39th and 48th regiments,	36 37
" Superintendent of French Lick,	25 00
Total rec'ts,	41023 60
Making in all,	\$52371 51

*Expenditures during the above period:*

Contingent fund,	394 27
For printing and stationary,	2667 00
Pay and milage of members of legislature,	11599 82
Salaries of the judiciary,	5703 38
" " " Executive,	2138 95
" " " Prosecuting attorneys,	954 50
" " " Adj't. and quarter master general,	206 25
Specific appropriations	1618 91
Expenses of presidential election,	172 30
" State prison,	519 52
" State library,	63 63
" Probate judges,	18 00
" Premiums for wolf scalps,	555 50
" Michigan road,	1828 64
" Canal fund,	1442 45
Appropriation for Wabash and Miami canal,	1000 00
" " Salt springs,	85 00
Paid to county seminaries of militia fines,	20 25
Orders of trustees of Indiana College and allowances in relation to same,	1942 07
Salary of agent and appropriations for improvements at Indianapolis,	2247 49
Loans of seminary funds and consideration of a tract of mortgaged land sold on credit,	7070 00

Leaving in the treasury on the 5th Dec. 1829,	10123 08
	<hr/>
	52371 61

*The claims to which the state is liable, are as follows:*

Out-standing warrants,	162 05
Salaries and special allowances not yet audited,	1863 00
Conscientious fines	542 52
Pay of probate judges, (estimate,)	1000 00
Indianapolis fund,	3307 34

Making in all \$6974 91

Which deducted from the cash on hand, leaves \$3148 77 of old delinquencies and of the revenue of 1829, there will probably be paid during the next financial year, the sum of \$28,500, which, with the cash on hand, will make \$31,648 77 to meet the current expenditures of the year. The expenses of the last year, without taking into consideration the Indianapolis or College payments which are drawn from different sources, amount to \$30,988 37. The expenses of the ensuing year, will probably exceed that sum, as the pay of probate judges will be a heavy additional item. Should they amount to only \$31,000, there will be in the treasury on the 1st Dec. 1830, \$648 77.

The state revenue from the year 1822, to this time has arisen almost entirely from a tax on polls and land. During this period the taxable polls have increased from 28,500 to 48,500, and the taxable land from 1,874,710 acres to 3,595,177 acres. The increase was much larger in the years 1823 and 1824 than any which have succeeded, as may be seen from the following statement of actual receipts, calculating the revenue at the present rates.

Receipts for the revenue of 1822,	\$17,400 00
" " " " 1823,	20,315 00
" " " " 1824,	22,834 00
" " " " 1825,	24,395 00
" " " " 1826,	25,635 00
" " " " 1827,	27,091 98
" " " " 1828,	29,721 18
" " " " 1829, estimate	31,500 00

Judging from the past, the revenue of the state can hardly be expected to increase more than from fifteen to eighteen hundred dollars per annum. The increase in expenditure during the last seven years has been principally in the following items.

Legislative and printing about	\$5000 00
Probate judges and wolf scalp bounties, about	3500 00

Making \$8500 00

New occasions of expenditure will probably arise in the judiciary and other departments, so that a considerable surplus revenue is not soon to be expected.

Respectfully submitted,  
SAML. MERRILL.

(No. 2.)

*Report in relation to the Loan Office from the 1st December, 1828,  
to the 5th December, 1829.*

Balance of seminary fund reported last year,	\$1572 59
Received during the above period from J. Borland commissioner Seminary township in Monroe,	1702 28
From Jas. Smith, Comr. Semy. township, Gibson,	2915 63
From sale of mortgaged land for non payment of interest, (D. Edwards)	271 50
Loans refunded,	496 84
Interest on Loans,	1376 69
Interest on purchase money of land sold for breach of condition in mortgage,	17 10
Making in all,	\$8353 63
Loans on Mortgages as per list accompanying,	\$6785 00
Purchase money to be paid for mortgage land sold on credit, interest payable annually in ad- vance,	285 00
Salary and percentage of Superintendent,	96 68
Allowance to James Smith,	25 00
“ Recorder of Monroe,	60 89
<i>Paid orders of Trustees of Indiana College.</i>	
For salaries of President and Professors,	1110 00
“ Building a College Chapel,	600 00
“ Printing,	49 50
Making in all,	\$9012 07

It will be seen by the above, that the seminary funds are anticipated to the amount of \$648 44. More than this sum, however, was in the hands of the commissioners, when the last loans were made, a part of which has since been paid over, but too late to be included in this report.

From the several returns made by Messrs. Smith and Borland, the former to the 25th Oct. and the latter to the 28th Nov. last, it appears that they have sold 301 half qr. sections of land for \$48,915 61, of which there has been paid, as princi-

pal \$18,647 21. There has also been received for interest on the unpaid purchase money \$3,427 21, and there is still due for interest, on said purchase money \$1,602 33. There are unsold, in said townships 185 half qr. sections, besides the three sections adjoining the college reserved from sale.

*The state of the College fund, as far as appears from the books of this office, is as follows:*

Rents paid over by Emerson and Smith,	\$119 00
Cash paid by Neely, Smith and Wilson for lands sold in the year 1822,	2371 96
“ Received by Borland, as principal,	12111 77
“ “ “ “ for interest,	2335 23
“ “ “ Smith for principal,	6535 44
“ “ “ “ interest,	911 98
Interest paid by state and individuals on loans,	3080 30
Total receipts,	\$27465 68
There is now due, as principal, for lands sold by Borland,	20451 90
Due, as interest on the same,	1140 90
“ “ principal for lands sold by Smith,	9816 50
“ “ interest for lands sold by Smith,	461 43
Making in all,	\$59336 41
<i>Deductions from the foregoing.</i>	
Specific allowances by the legislature,	320 19
Superintendent's salary and per cent.,	145 48
Recorder of Monroe,	60 89
Orders of the college trustees,	2919 31
Amount liable to be retained by the commissioners, for their services,	1075 30
Balance in favor of the college,	54815 29
	\$59336 41

There are also still unsold 16,720 acres of land, which, at no more than one dollar per acre, would make the available funds of the college, upwards of 80,000. The superintendent of the Loan office has continued to loan out the funds in his hands to the persons who made applications in April 1828, in the order in which the names of applications were then drawn by lot, except where a sufficient title could not be exhibited or the applicant has not chosen to avail himself of the privilege. In such cases, persons have been permitted to transfer their claim. It is still intended to continue this course of loaning

out the money until those, who, at that time, were at the expense of having their lands valued, shall obtain loans, if they still wish and shall be entitled to them. They or the persons holding their claims, will be furnished with instructions whenever their loans can be effected. This statement is submitted to prevent, as far as possible needless solicitations. When the present list of applicants shall be gone through with, notice will be again given for receiving applications as before, unless a different mode of proceeding shall be prescribed by the legislature.

Respectfully submitted,  
SAML. MERRILL.

(No. 3.)

List of persons who borrowed of the Seminary funds from the 1st December, 1828, to the 1st December 1829.

	<i>Security.</i>	<i>Valuation.</i>	<i>Sum loaned.</i>
Henry Myers,	120 acres land	\$252 00	\$100 00
Joseph Glancy,	30 " "	856 00	100 09
B. I. Blythe,	80 " "	550 00	275 00
F. M. Richmond,	80 " "	200 00	66 00
Wm. Sanders,	160 " "	1200 00	500 00
Saml. K. Barlow,	80 " "	400 00	133 00
Henry Porter,	60 " " and two lots in Indianapolis, not appraised. }		500 00
Daniel Yandes.	160 acres land,	600 00	250 00
Thomas I. Matlock,	80 " "	300 00	108 00
John W. Reding,	160 " "	1720 00	450 00
Stevens, Elliot & Lee,	403 " "	900 00	450 00
Samuel Beeler,	80 " "	400 00	125 00
David Brown,	50 " "	350 00	125 00
Thomas Martin,	80 " "	360 00	100 00
John Doty,	80 " "	400 00	100 00
John Hiday,	80 " "	212 00	72 00
John Allison,	160 " "	660 00	233 00
Nicholas Sheffer,	67½ " " not appraised.		53 00
John P. Chinn,	80 " " " "		54 00
Thomas Baldwin	165 " "	1250 00	600 00
Patrick Baird,	160 " "	1550 00	500 00
Ambrose Shirley,	160 " "	300 00	100 00
James M'Coy,	68 " "	425 00	133 00
E. B. Wilson,	147 " "	1127 00	400 00
John I. Belles,	80 " " not appraised,		53 00.
Zachariah Lemaster,	80 " " " "		50 00
Samuel True,	340 " " " "		320 00

Saml. & John Dabney,	240	"	"	"	"	130	00
James Hill,	80	"	"	"	"	85	00
William Brown,	40	"	"	"	"	28	00
James Clark,	160	"	"	"	"	83	00
Daniel Smith Lane,	366	"	"	1830	00	500	00
Jacob Hill,	80	"	"	225	00	100	00

The above is correct.

S. MERRILL.

(No. 4.)

*Allowances from contingent fund by the Governor.*

1828, Dec. 10.	Samuel Ray for notifying Wm. Lowe						
	an elector,					\$11	00
"	"	"	George Piercy	"	B. V. Beckes		
	an elector,					28	00
1829, Jan. 24.	Thomas Scott, attendance at Court						
	Martial,					2	00
"	"	"	John T. M'Kinney for transporting				
	public arms,					16	00
"	"	"	William Youse for do.	do.		8	00
"	"	"	Elisha Long for notifying Ross Smiley				
	an elector,					15	00
"	"	"	I. G. Read for " R. Boon an elector,			32	00
Feb. 15.	Samuel Henderson for postage,					22	40
"	"	"	Drake and Conkling for paper,			11	25
"	"	"	Thomas Sharpe for copying Memorials,			5	00
"	March	"	Charles Mitchel for attending Court				
	Martial,					3	00
"	"	"	Henry Brewer do. do. do. do.			1	00
"	"	"	Nicholas M'Carty for stationary,			53	79
"	"	"	I. N. Phipps, " "			4	69
"	"	"	John Cain for book binding,			17	84
"	June	"	Saml. Henderson for postage,			24	19
"	"	"	Jas. Morrison for copying Polke and				
	Hinds report,					3	50
"	"	"	David Osborn for attending Court				
	Martial,					3	00
"	"	"	George Shirts for do. do. do. do.			3	00
"	"	"	John Cain for binding and stationary,			12	06
"	"	"	Smith and Bolton for advertising fugitive,			3	50
"	"	"	" " for printing blanks for secy.			10	00
"	"	"	John H. Newland carriage and charges				
	on map,					3	00
"	Sep.	"	Noah Wright notifying Col. Durham an				
	elector,					16	00

"	"	"	Christoper Shuck carriage of books,	72
"	"	"	John Cain blank book for adj. gen.	12 20
"	"	"	John Givan cordage for packing laws,	4 38
"	Nov. 20		Nicholas M'Carty for stationary,	48 25
"	"	"	John Cain blank book for treasurer,	14 00
"	"	"	Caleb Scudder, table, " "	5 00

---

\$394 27

I certify the above to be correct.

S. MERRILL.

(No. 5.)

*Bill of stationary, carriage, &c. for 1829.*

Bot. of L. & N. Lodge,				
Aug.	1828,	six boxes	cooperage, &c. for paper,	\$5 00
Jan. 3,	1829,	1 ream	envelope paper, for Wick,	3 00
Feb. 9,	"	19 "	Medium, No. 5, \$3 00,	57 00
			Box for same,	75
April 25,		20 reams	medium, No. 5, \$3 00,	60 00
" "		3 "	Post, " 1, 3 75,	11 25
" "		3 "	" " 2, 3 25,	9 76
			Two boxes for the above,	1 50
Feb. 16,			Paid Samuel Darnol for hauling,	6 77
May "			Robert Goudy, " "	12 19
June 25,		101 reams	Royal, No. 2, 4 25,	429 25
" "		91 "	Med. " 5, 3 00,	273 00
" "		10 "	Cap. " 1, 3 25,	32 50
" "		10 "	" " 3, 2 75,	27 50
" "		17 "	Post, " 1, 3 75,	63 75
" "		17 "	" " 2, 3 25,	55 25
" "		26 "	Med. " 4, 3 25,	84 50
				<hr/>
				\$1133 16
Aug. "			Paid Goudy's bill for hauling,	58 85
" 17,			Bot. of Dillenger, 3½ lbs. wafers,	3 50
" "			1 doz. Cryon pencils,	25
" "			200 fine quills, No. 80, \$3 00,	6 00
" "			300 " " 54, 2 25,	6 75
" "			Bot. of Jones, 12 pieces ribbon,	1 50
" "			2 doz. linen tapes,	75
" "			Bot. of Guilford's, 2 reams hot	
			press paper, 5 25,	10 50
" "			2 doz. cork inkstands, 1 00,	2 00
" "			1 " sand boxes,	1 00



" " 3 " red tape,	50,	1 50
" " 50 office wafers,		50
" " 500 quills, orange strings,		1 87½
" " 200 " red 100, green	100,	3 00
" " 500 " "	50,	2 50
" " 300 yellow,	1 37½,	4 12½
" " 16 lbs. sand,	10,	1 60
" " 3 doz. ink-powders,	1 25,	3 75
" " 1 " " bottles,		2 25
" " 2 boxes,		37½
" " Bot. of E. Poor, 3 boxes candles, 130 lbs. 9½		12 35
" " 3 boxes,		75
Paid A. W. Russell for candles at the close of session last year,		1 00
Paid John Hager for hauling,		4 20
Bot of N. M'Carty, nest of wafer boxes,		50
Five pairs of snuffers,		1 25
		<hr/>
		\$1265 79

Extracted from the original bills and receipts on file in my office.

S. MERRILL.

All of which were read; and,

On motion by Mr. Clendenin,

*Ordered*, That they be referred to the committee of Ways and Means, to consider and report thereon.

On motion by Mr. Claypool,

*Resolved*, That the committee on the judiciary be directed to enquire into the propriety of repealing all statute laws, authorising trials for the right of property, that may be taken in execution, or provide some other mode, which would be best calculated to prevent the delay in the collection of debts, which is occasioned by the operation of those statutory provisions.

And the Senate adjourned.

SATURDAY, DECEMBER 12th, 1829.

The Senate assembled.

Mr. Clendenin, presented the petition of John H. Sneed, E. S. Riley and others, inhabitants of town No. 2, range 1 East praying the passage of a law, authorising the leasing of the school section in said township: which was read.

*Ordered*, That it be referred to the committee on education, to consider and report thereon.

Mr. Robb presented the petition of David Ewing, who is indicted on a charge of larceny, praying a change of venue from the Vanderburgh circuit court, for certain reasons therein set forth, verified on oath: which was read.

*Ordered*, That it be referred to a select committee, composed of Messrs. Robb, Givens and Daniel, to consider and report thereon.

Mr. Stevens, from the judiciary committee, to whom had been referred the petition of William Marshall and others, citizens of Jackson county, praying the passage of a law, authorising individuals to become bodies corporate, for the purpose of exporting the surplus produce of our state, and importing the necessary articles of consumption, and erecting useful machinery to be employed in the manufacture of cotton, wool and iron, now reported, that they had taken the petition under consideration, and are of opinion, the act of January 21st, 1828, entitled "an act relative to limited partnerships" and entitled "an act, to provide for the incorporation of agricultural societies, approved January 22d, 1829, afford every facility to the incorporation of such companies as are wished for by the petitioners, and that further legislation on the subject is unnecessary: And thereupon, ask leave, to be discharged from the further consideration thereof.

*Ordered*, That the judiciary committee be discharged from the further consideration of the foregoing subject.

Mr. Stevens from the committee on the judiciary to whom was referred a resolution of the senate, instructing them to inquire into the expediency of defining and regulating the power now exercised by judges and other officers, to punish for "*supposed*," contempt of their "*own dignity and authority*," by summary proceedings; also, to enquire into the expediency of restraining and regulating the discretionary power now exercised by instruction to juries, and in other cases, now report:

That they have had the resolution under their consideration and have made due enquiry, and from the consideration and enquiry, by them made, they are of opinion that the

power to punish contempts and instruct juries, with which courts of justice are now clothed are necessary and essential powers, and if these powers were not vested in those courts, the streams of justice could not be kept pure and unadulterated. The committee is well aware, that these and all other powers may be abused; but those who commit the abuse are individually answerable for their conduct.

The above remarks are only applicable to the powers exercised by courts of justice, in instructing juries empannelled before them, and in punishing actual contempts of the court or the process thereof. As to the powers exercised by judges and other officers of punishing "*supposed contempts*" of their "*own dignity and authority*," as set forth in the resolution of the senate, above mentioned, the committee can only say, that they have no knowledge of any such power being exercised; but if any judge or other officer exercises any such power, it is an illegal usurpation, for which the usurper is liable to the party aggrieved.

The committee believe that legislation on the subject is unnecessary, and therefore ask leave to be discharged from the further consideration of the matters contained in the resolution referred to.

*Ordered*, That the judiciary committee be discharged from the further consideration of the foregoing subjects.

Mr. Stevens, from the judiciary committee, to whom was referred, a resolution of the senate, instructing them to enquire into the expediency of requiring the official bonds of collectors of public revenue, and others therein named, to be recorded and made a lien on real estate; now reported a bill, relative to the official bonds of certain officers therein named: which was read.

*Ordered*, That it pass to a second reading.

On motion by Mr. Blair.

*Resolved*, That the committee on canals and internal improvements, be instructed to enquire into the expediency of providing for commencing the improvement of the navigation of the Wabash river at the falls thereof: by the application of such funds as have been heretofore set apart for that purpose, together with such other means as may be most conducive to the commencement, and final completion of the work.

On motion by Mr. Robb,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the 18th sec. of the act, entitled "an act, subjecting real and personal estate to execution," as requires mortgaged premises, when exposed to

sale, to bring the full amount of the debt or damages, which said premises was mortgaged to secure; and as requires the expiration of twelve months after the mortgage money ought to be paid, or other conditions performed, before the mortgagee or mortgagees can file their bill.

On motion by Mr. Linton,

*Resolved*, That the committee on education be instructed to report a bill, embracing provisions which shall provide for the payment by the respective school commissioners of this state, into the state treasury, all monies that may hereafter arise from the sale of school lands, and for the loaning of the same by the state, upon proper securities, with a guarantee to the several congressional townships, of interest at the rate of six per cent. upon such sum as may have been derived from them respectively.

*Ordered*, That it lie on the table.

On motion by Mr. Givens,

*Resolved*, That the committee on education be instructed to enquire into the expediency of compiling all the acts, regulating and defining the duties of the trustees of county seminary funds, and also to enquire if any amendments are necessary to said acts, and if any, to report by bill or otherwise.

Mr. Ewing, on leave being granted, introduced a memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river, with its branches, and of improving the great western mail road from Louisville, Kentucky, through New Albany, Paoli, and Washington, to Vincennes; which was read.

*Ordered*, That it pass to a second reading.

Mr. Robb, on leave being granted, introduced a joint resolution, authorising the Governor to occupy the house erected on the governor's circle: which was read.

*Ordered*, That it pass to a second reading.

Mr. Linton, on leave being granted, introduced a bill amendatory to the several acts, providing for assessing and collecting the revenue: which was read.

*Ordered*, That it pass to a second reading.

The President laid before the senate, the following communication and annual report, from the agent of the three per cent. fund, which were read as follows:

AGENT'S OFFICE,  
Indianapolis, Dec. 11th, 1829.

MILTON STAPP, Esq.

Sir—Please lay the within report before the Senate.

Respectfully,

B. I. BLYTHE, *Ag't 3 per ct. fund.*

<i>No. of roads.</i>	<i>Road Commissioners.</i>	<i>Apportion- ment.</i>	<i>Drafts paid.</i>	<i>Balances due.</i>
2	John I. Neely,	6767 38	6767 38	
3	Archibald Campbell,	2708 87	2569 41	139 46
4	Andrew Cavit,	2709 57	2570 16	139 41
5	Isaac Montgomery.	3079 24	2920 71	158 53
6	William M'Cormick,	4928 93 1-2	4177 81	751 12½
7	Michael Buskirk,	4835 01	4211 09 1-2	623 91½
8	Ezekiel Blackwell,	7563 69	7145 54	418 15
9	Richard Beem,	8506 96	7995 02	511 94
10	William Richards,	2674 00 1-6	2199 76 1-6	474 24
11	John G. Clendenin, Cor- nelius Berkshire,	4990 63	4402 25	588 38
12	Samuel Gwathmy,	2712 23	2407 94	304 29
13	John M. Lemon,	3250 80	2829 66	421 14
14	Gara Davis,	3033 80	2828 82	204 98
15	William C. Bramwell,	5750 57	5680 50	70 07
16	Simeon Slawson,	3166 62	2969 72	196 90
17	John Walker,	6333 33	6333 33	
18	David Mount,	3862 44	3591 29	271 15
19	Stanhope Royster,	3875 67	3842 40	33 27
20	John C. Kibbey,	4192 75	3932 14	260 61
21	John Way,	2672 56	2506 44	166 12
22	James Blake,	897 36 1-2	897 36 1 2	
23	John Barricklow,	1000 00	1000 00	
24	Franklin F. Sawyer,	437 07 1-2	437 07 1-2	
25	Wabash Fund,	4675 86	147 34	4528 52
26	Robert M'Intire,	441 32 5-6	211 08 5-6	230 24
27	George Ewing,	2423 25	1698 22	725 03
28	James Ball,	1009 37	1009 21	16
29	William Sanders,	1088 35	1088 35	
30	William Conner,	500 00	500 00	
31	William Polk,	114 00	114 00	
32	Reuben Bates, Alason Warner,	1000 00	569 73	430 27
33	Rezin Davis,	873 65	873 65	
34	Chester Elliot,	50 00	50 00	
35	Dennis Ball,	490 00	490 00	

36 Morgan Shortridge, Ze-			
nas Beckwith, Jas.			
Scott,	249 00	49 00	200 00
37 James Talbott,	566 77 1-2	207 88 1-2	358 89
38 James M'Farland,	500 00	500 00	
39 William P. Rark, James			
Arderly, John M <sup>r</sup>			
Pike,	100 00		100 00
40 Adam Shoemaker,	330 00		330 00
41 Jonathan John,	50 00		50 00
42 James Barnett,	250 00		250 00
43 Norman D. Palmer,	250 00		250 00
44 John Denny,	500 00		500 00
	<hr/>	<hr/>	<hr/>
	\$105411 08	91724 29	13687 79

Received from the Treasury of the	
United States, in June, 1822,	\$32,629 46
May, 1823,	17,857 84
March, 1824,	11,462 73
April, 1825,	10,798 09
May, 1826,	7,176 97
March, 1827,	7,352 54
May, 1828,	8,887 75
July, 1829,	8,902 11
	<hr/>
	105,067 49

Received from State Treasury, on	
account of canal fund, see acts	
of 1828,	2,550 00

	107,617 49
Retained to meet agents' commission,	2,248 42
	<hr/>
	105,369 07

Postage paid Samuel Henderson, to	
May 21st, 1828,	4 14

	105,364 93
Appropriated over the sum drawn	
from Treasury,	46 15

	105,411 08
Appropriated to different roads, -	
Commissioners drafts reported last	
year,	83,363 73½

Drafts since paid and	
not reported,	3,360 55 5-12

---

91,724 29

Balance that would be on hand, had there been a sum sufficient to meet the appropriations,	13,586 79
Appropriated over the sum drawn from the Treasury,	46 70
Remaining on hand,	<hr/> \$13,640 64

With respect to the settlement I have made with the State road commissioners, under the act of last session, I have to say, that many of them had made charges which I did not conceive myself authorised to allow, and in consequence of which, a balance stands against them on settlement—I will not be able to report on that subject, until the legislature determine on those extra charges. I ask a committee to investigate the matter, and lay it properly before the general assembly.

Respectfully submitted,

B. I. BLYTHE, *Ag't 3 per ct. fund.*

*Ordered,* That the said report be committed to the committee on roads, to consider and report thereon.

The bill, in addition to the several acts in force, relative to the collection of the revenue, was read a second time.

*Ordered,* That it be committed to a committee of the whole senate, and made the order of the day, for this day now;

Whereupon,

On motion by Mr. Graham,

The senate, now resolved itself into committee of the whole on the last mentioned bill, Mr. M'Kinney in the chair; when, after some time spent thereon, the committee rose; Mr. Chairman reported the bill to the senate, with sundry amendments, which were read at the secretary's table, and concurred in.

Mr. Gregory then moved to amend the bill, by adding thereto the following *proviso*, at the end of the first section, to wit:

*"Provided,* That whenever the real estate aforesaid shall be sold by said treasurer, and the same shall be sold for a greater amount than the debt interest and cost due the state, the residue shall be refunded by the treasurer to the collector or his securities whose lands the same may be"; when,

Mr. Depauw proposed to amend the said proposed amendment by adding thereto, after the word costs, the following words, "together with all other expenses attending the transaction thereof;" which proposed amendment to the amendment, was accepted of by Mr. Gregory.

And, on the question, Shall the proposed amendment be adopted?

It was decided in the negative,—ayes 3, noes 12.

The ayes and noes, having been demanded by two senators,

*Those who voted in the affirmative were,*

Messrs. Clendenin,  
Depauw,  
Ewing,  
Gregory,

Messrs. Lomax,  
Maxwell,  
Morgan,  
Orr.

*Those who voted in the negative were,*

Messrs. Blair,  
Claypool,  
Daniel,  
Fletcher,  
Givens,  
Graham,  
Linton,

Messrs. M'Kinney,  
Robb,  
Sering,  
Stevens,  
Watts,  
Worth.

And on the question; shall the bill be engrossed and read a third time?

It was determined in the negative—ayes 9, noes 12.

The ayes and noes being demanded by two senators,

*Those who voted in the affirmative were,*

Messrs. Blair,  
Depauw,  
Fletcher,  
Graham,  
Linton,

Messrs. Lomax,  
Maxwell,  
Orr,  
Robb,

*Those who voted in the negative were,*

Messrs. Claypool,  
Clendenin,  
Daniel,  
Ewing,  
Gregory,  
M'Kinney,

Messrs. Morgan,  
Sering,  
Stevens,  
Watts,  
Worth.

And the senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

The President laid before the senate the following communication from the Governor, with the resolution therein referred to, to wit:



EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, INDIANA,  
December 12th, 1829. }

MILTON STAPP,

*President of the Senate:*

I lay before you, for the senate, a resolution of the state of Tennessee, on the subject of a Hospital in said state.

Respectfully,

Your obedient servant,

J. BROWN RAY.

Which were severally read.

*Ordered*, That the resolution be referred to the committee on asylums, to consider and report thereon.

The President laid before the senate, the following communication from D. Burr President of the board of canal commissioners:

TO THE HON. M. STAPP,

*President of the Senate:*

SIR:—The board of commissioners of the Wabash and Miami canal, respectfully ask leave, for further time to report; until Monday Dec. 14th.

By order of the board,

D. BURR, *President*.

*Indianapolis Dec. 12, 1829.*

Which was read.

*Ordered*, That it lie on the table.

The bill to extend a certain act therein named to the county of Warren, was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill concerning the Farmers' and Mechanics' bank of Indiana, was read a third time

And on the question, shall this bill pass?

It was determined in the affirmative—ayes 12, noes 9.

The ayes and noes being demanded by two senators,

*Those who voted in the affirmative were,*

Messrs. Blair,  
Claypool,  
Depauw,  
Gregory,  
Linton,  
Lomax,

Messrs. Maxwell,  
M'Kinney,  
Morgan,  
Sering,  
Watts.

*Those who voted in the negative were,*

Messrs. Daniel,  
Ewing,  
Fletcher,  
Givens,  
Graham,

Messrs. Lemon,  
Orr,  
Robb,  
Worth.

So it was

*Resolved*, That the said bill pass, and that the title thereof be "an act concerning the Farmers' and Mechanics' Bank of Indiana."

*Ordered*, That the assistant secretary inform the house of representatives thereof, and request concurrence therein.

The President laid before the senate, the following communication and annual report from the auditor of state, to wit.

AUDITOR'S OFFICE,  
*Indianapolis, Dec. 12th, 1829.*

TO THE PRESIDENT OF THE SENATE:

Sir—Herewith is laid before you, the annual report of receipts and expenditures for the current year.

I am, respectfully,

Sir, your ob't sv't,

MORRIS MORRIS, A. P. A.

HON. MILTON STAPP,

*President of the Senate.*

AUDITOR'S OFFICE,  
*Indianapolis, Dec. 5th, 1829.*

In obedience to the "act, concerning the Treasurer of State, and Auditor of public accounts." the following report of receipts and expenditures on account of the State of Indiana, is respectfully submitted.

There was remaining in the Treasury,  
on the 30th day of November, 1828,  
provided all claims audited to that  
date, were paid,

\$11,323 39

Since the above period,  
there has been paid into the  
treasury, on account of  
balances due for the year

1822,	\$145 47
" " " " " 1823,	606 13
" " " " " 1824,	69 60
" " " " " 1825,	19 52
" " " " " 1826,	144 38
" " " " " 1827,	218 10

From collectors of revenue, for 1828,	27001 86	
" " " " 1829,	2885 08	
" Sales of lots in Indianapolis,	3053 81	
" " " seminary lands,	4617 91	
" " " lands mortgaged at loan office	271 50	
" Loans of seminary money refunded,	496 84	
" Interest on seminary fund,	1394 79	
" Estates without heirs,	36 74	
" Conscientious fines,	36 87	
" Superintendent of French Lick,	25 00	
Error in balance heretofore reported,	7 12	41030 72

Making in all,

\$52354 11

Since the above period, there has been audited

For public printing and stationary, \$2667 00

" Expenses of last general assembly,  
including pay of members,  
clerks and door keepers.

11599 82

Salaries of officers,

2300 00

" " " Supreme and Circuit  
Judges

5703 38

" Allowances to probate judges,

18 00

" Salaries of prosecuting Attorneys,

954 50

" " " Adj't & Qr. master genls.

206 25

On account of State seminary,

1942 07

" " " County seminaries,

20 25

" " " Canal fund,

1442 45

" " " Wabash & Miami canal,

1000 00

" " " Michigan road,

1828 64

" " " Seat of government,

2247 49

" " " Specific appropriations,

1618 91

" " " Electors of president &c.

172 30

" " " State Prison,

519 52

" " " State Library,

56 13

" " " Wolf scalps,

546 50

" " " Salt springs,

85 00

Contingent expenses for 1829, per treasurers' report,

394 27

Amount of loans of seminary fund including sales of mortgaged lands upon credit,

7070 00

Per treasurers' report,

\$42392 48

Making the total am't of expenditures,

\$42392 48

Which deducted from

52354 11

\$9961 63

Leaves in the treasury on the 5th of  
Dec. 1829, provided all claims aud-  
ited to that date, have been paid,

\$9961 63

The number of polls assessed in all the counties except Allen, (from which no return has been received) for 1829, is 484 54

The assessments from all the counties in the state (except Allen,) amount to

\$37769 68

From which, deduct for delinquencies, commission, and other allowances,

6294 94

Will leave for the treasury,

\$31474 74

Early in March last, the accounts of all the delinquent collectors, not previously sued, were forwarded to their respective counties for collection.

But a very small portion of them has as yet been collected and paid over. But from information received from the prosecuting attorneys, a greater amount will ultimately be secured than could have been reasonably expected.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

*Ordered*, That it be referred to the committee, of ways and means, to consider and report thereon.

And the Senate adjourned.

MONDAY, DECEMBER 14th, 1829.

The Senate assembled.

Mr. Givens, from the committee on elections, to whom was referred the resolution relative to the appointment of county treasurer, now report, that in the opinion of the committee, it is inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged from the further consideration of that subject.

Mr. Gregory, from the committee on roads, to whom was referred the petition of George Hunt, James Hunt and others, praying an alteration in the state road, leading from the Ohio state line by the way of Abington and Waterloo, to Connersville; now reported "a bill, to relocate a part of the state road leading from the Ohio line, by Abington and Waterloo, to Connersville : which was read.

*Ordered*, That it pass to a second reading.

Mr. Gregory, from the committee on state roads, to whom had been referred, the bill, to establish a state road from Lake Michigan, by way of Indianapolis to the Ohio river; reported a bill to the senate with an amendment: which were read.

*Ordered*, That it lie on the table.

Mr. Robb, from the committee, to whom the subject had been referred, now reported a bill, to authorise the circuit court of the county of Vanderburgh to change the venue in a certain case therein named: which was read.

*Ordered*, That it pass to a second reading.

Mr. Lanton, from the select committee, to whom the subject had been referred, reported a bill to, facilitate opening the Cumberland road, and preserve the same from being obstructed or injured: which was read.

*Ordered*, That it pass to a second reading.

Mr. Ewing, offered for consideration and adoption, the following preamble and resolution:

Whereas, complaints of county and state officers holding lucrative employments, under the general government, by letter or appointment, have been recently expressed by many citizens, calculated to excite a just apprehension, that the fidelity required by the people, the constitution, and the existing laws of this state, of all officers, may heedlessly be endangered at some future period, by the existence of such a disqualifying influence: Therefore,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of a declaratory law, in relation to the principles of our general and state constitutions, touching the incompatibility of officers under the one, holding employments or lucrative appointments of any description, under the other; and have leave to report by bill or otherwise: which was read.

*Ordered*, That it be adopted.

Mr. Graham, offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the reports of standing and select committees, shall be entered on the journals, so as clearly to set forth the substance thereof, unless otherwise directed by the senate: which having been read;

Mr. Stevens moved to strike out all after the word, *Resolved*, and insert the following, to wit:

"That all the reports made in writing by the standing and other committees, that are not otherwise ordered to be printed, shall be spread upon the journals."

And on the question, shall this amendment be adopted?

It was determined in the affirmative—ayes 19, noes 3.  
The ayes and noes having been demand by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair,	Messrs. Linton,
Claypool,	Lomax,
Clendenin,	M'Kinney,
Daniel,	Orr,
Depauw,	Robb,
Ewing,	Sering,
Fletcher,	Stevens,
Givens,	Watts,
Gregory,	Worth.
Lemon,	

*Those who voted in the negative, were,*

Messrs. Graham,	Morgan,
Maxwell,	

And on the question, shall the resolution as amended, be adopted?

It was determined in the affirmative—ayes 19, noes 3.

The ayes and noes having been demanded by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair,	Messrs. Linton,
Claypool,	Lomax,
Clendenin,	M'Kinney,
Daniel,	Orr,
Depauw,	Robb,
Ewing,	Sering,
Fletcher,	Stevens,
Givens,	Watts,
Gregory,	Worth.
Lemon,	

*Those who voted in the negative, were,*

Messrs. Graham,	Messrs. Morgan.
Maxwell,	

So, the resolution as amended, was adopted.

On motion by Mr. Fletcher,

*Resolved,* That the committee on canals and internal improvements be requested to enquire into the propriety of reporting a bill, authorising and directing our canal commissioners to ascertain the practicability, by survey and examination, of connecting the Wabash and Miama canal, with White river by a navigable canal, and if practicable, to ascertain, as aforesaid,

whether the same can be taken on a line nearly direct to the Ohio river, or down the valley of one of the forks of White river, to their junction.

On motion by Mr. Linton,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of passing a declarative act, upon the subject of justices, clerks, sheriffs and constables fees, in criminal cases, where prosecutions fail, or, where the persons against whom prosecutions succeed, are unable to pay the same.

On motion by Mr. Clendenin,

*Resolved*, That the standing committee on education, be instructed to enquire into the expediency of authorising some person by law, to advertise the election for trustees of the county libraries.

On motion by Mr. Blair,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of amending the act, entitled an act, for opening and repairing public roads and highways, so as to authorise or make it specially the duty of viewers appointed by the board doing county business to employ a surveyor, chain carriers and markers, and to provide for the payment of the same, out of the county treasury.

Mr. Orr offered for consideration and adoption, the following resolution:

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of organizing the militia of Warren county into a regiment by themselves, subject to the same regulations of the other militia of this state: which having been read,

Mr. Morgan moved to amend the same, by adding after the word "Warren," the words, "and Hancock," and changing the word "county," into the word "counties," which resolution, as amended, was adopted.

Mr. Gregory offered the following resolution for consideration and adoption:

*Resolved*, That the committee of ways and means, be instructed to enquire into the expediency of appropriating one thousand dollars out of any money in the treasury, not otherwise appropriated, to aid the colonization society in colonizing the free people of color of the United States, with leave to report by bill or otherwise: which was read.

*Ordered*, That it lie on the table.

The following communication from James Brown Ray, governor of Indiana, was laid before the senate, by the President:

EXECUTIVE DEPARTMENT, }  
Indianapolis, Dec. 14th, 1829. }

MILTON STAPP,  
*President of the Senate:*

SIR—I lay before you for the senate, the enclosed papers, marked A and B, the same being a memorial and remonstrance of the Executive and Legislature of the State of Georgia, on the subject of the tariff; and resolutions of the State of Mississippi, marked C, on the same subject.

Respectfully,

Your obedient servant,

J. BROWN RAY.

Which, with the enclosed resolutions were read, and

*Ordered,* That the resolutions be referred to the select committee, to whom was referred so much of the governor's message as relates to the tariff, to consider and report thereon.

The President laid before the senate, the following communication, annual and other reports from the agent of the town of Indianapolis, to wit:

AGENT'S OFFICE, }  
Dec. 11th, 1829. }

THE HON.

*President of the Senate:*

The Agent of State for the town of Indianapolis, in pursuance of a resolution, this day passed in the senate, requiring him "to present a complete list, as far as is in his power, of the monies that have been collected for rents and fines for the cutting timber and removing the same," has the honor to report, to wit:

Amount received for rents from the commencement of agency, up to the 8th day of April, 1828, (the time of the present agent's taking the office,) as will appear by reference to the agent's report to the last general assembly, \$452 64

Amount received for timber during the above period, as by said report, 85 65

Amount received by present agent, for rent from the said 8th day of April, 1828, up to the 1st day of Dec. 1828, (as appears by said report,) 66 87

Amount received since said report, for rents, to wit:



From the 1st day of Dec. 1828, up to the 1st inst. 168 52  
 Amount received since " " for timber, 5 17½

Being the whole amount received by the present agent.

The entry, as to the amount received for timber, includes as well the fines recovered for cutting timber, as the monies received for any timber necessarily disposed of on account of its being blown down and subject to waste.

Respectfully submitted,

E. SHARPE, Agent.

Which was read.

*Ordered*, That it be referred to the committee on the affairs of Indianapolis to consider and report thereon.

Mr. Depauw on leave granted, introduced a bill amendatory of an act entitled "an act authorising the leasing of Royce's lick, and Rock lick reserves, in the county of Washington, approved, January 7th, 1828: which was read.

*Ordered*, That it pass to a second reading.

The bill relative to the official bonds of certain officers therein named, was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river, with its branches; and improving the great western mail road from Louisville, Ky. through New Albany, Paoli, and Washington to Vincennes; was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The joint resolution authorising the governor to occupy the house erected on the Governor's Circle, was read a second time.

*Ordered*, That it be committed to the committee on the affairs of Indianapolis, to consider and report thereon.

The bill amendatory of the several acts providing for assessing and collecting the revenue, was read a second time.

*Ordered*, That it lie on the table.

The engrossed bill legalizing the proceedings relating to a change in the state road leading from Owensville, in Gibson county to Cynthiana, in Posey county, was read a third time.

*Resolved*, That this bill pass, and that the title thereof be, "an act legalizing the proceedings relating to a change in the state road leading from Owensville, in Gibson county, to Cynthiana in Posey county.

*Ordered*, That the assistant secretary inform the house of representatives thereof, and request concurrence therein.

The senate according to order, resolved itself into committee of the whole on the bill to extend a certain act therein named, to the county of Warren; Mr. Graham in the chair, when, after some time spent thereon; the committee rose, Mr. President resumed the chair, and Mr. Chairman reported the bill to the senate, with sundry amendments, which were read, and concurred in.

*Ordered*, That the bill with its amendments be engrossed and pass to a third reading.

The senate according to order, resolved itself into committee of the whole on the bill relative to the official bonds of certain officers therein named; Mr. Gregory in the chair, when, after some time spent thereon, the committee rose, Mr. President resumed the chair, and Mr. Chairman reported the bill to the senate, with an amendment; which was read and concurred in; and,

On motion by Mr. Graham,  
The Senate adjourned to nine o'clock to-morrow morning.

TUESDAY, DECEMBER 15, 1829.

The Senate assembled.

Mr. Robb presented the petition of James Patrick, B. Edmonston and others, citizens of Dubois county, praying the removal of the seat of justice of that county, also a remonstrance against that measure, both of which were read.

*Ordered*, That it be referred to a select committee, composed of Messrs. Robb, Daniel and Givens, to consider and report thereon.

Mr. Graham, presented the petition of Richard Beem, sheriff and collector of Jackson county, praying relief, for certain reasons, in the said petition set forth, which petition was read.

*Ordered*, That it be referred to the committee of ways and means, to consider and report thereon.

Mr. Stevens, from the committee on the judiciary, to whom was referred a resolution of the senate instructing them to enquire into the expediency of repealing the 18th section of the act entitled "an act subjecting real and personal estate to execution" and to require mortgaged premises to be sold at public auction to the highest bidder for ready cash as other lands are sold on execution, and to authorize the mortgagee to file his bill of foreclosure at any time after the conditions of the mortgage are broken—report,

That they have performed that duty, and that they deem it

expedient to repeal said 18th section, and to adopt the provisions suggested in the resolution; and therefore present a bill on that subject,

Entitled, a bill, to amend an act, subjecting real and personal estate to execution, approved 30th January, 1824: which was read.

*Ordered*, That it pass to a second reading.

Mr. Stevens from the committee on the judiciary, to whom was referred, a resolution of the senate, instructing them to enquire into the necessity of changing the mode of assessing damages under the act entitled "an act for the relief of occupying claimants of land—report:

That they have performed that duty, and that they find it necessary to change the mode of assessing damages under the above recited act, and therefore report a bill on that subject,

Entitled, a bill to amend "an act for the relief of occupying claimants of land: which bill was read.

*Ordered*, That it pass to a second reading.

Mr. Graham, from the select committee, to whom was referred, a resolution of the senate, on the subject of the interest of money; now reported a bill, to amend the act, regulating the interest on money in the State of Indiana, approved January 21st, 1818: which was read.

*Ordered*, That it pass to a second reading.

Mr. Ewing, on leave being granted, introduced a joint resolution to declare, establish, ratify and confirm, with one fundamental condition, the compact, entered into between Wylls Silliman, Commissioner on the part of the State of Ohio, and Jeremiah Sullivan, Commissioner on the part of the State of Indiana: which was read.

*Ordered*, That it pass to a second reading.

The joint resolution was then read a second time by the unanimous consent of the senate: when,

Mr. Ewing offered for consideration, the following resolution, to wit:

*Resolved*, That said joint resolution be committed to the same committee, with instructions, so to modify and change the same, as to confirm the compact therein mentioned, on the following conditions, to wit:

That Ohio shall stipulate to perfect and complete the line of canal through her boundaries, simultaneously with the line within our own boundaries, and locate the same on the direct line already marked to the Maumee Bay as near as practicable, so

that the whole line of canal may be open at the same time: which was read.

And on the question, shall this resolution be adopted?

It was determined in the negative.

*Ordered*, That the foregoing joint resolution be committed to a committee of the whole senate.

On motion by Mr. Morgan,

*Resolved*, That the committee on education be instructed to enquire into the expediency of amending the act, entitled "an act, to authorise the sale of the school lands, and for other purposes, approved the 23d January, 1829, so as to set forth in plain terms, by whom the fees in that act shall be paid, with leave to report by bill or otherwise.

On motion by Mr. Linton,

*Resolved*, That the committee on ways and means, be instructed to enquire into the expediency of holding out inducements, by small appropriations of money to those persons, who may have bored 300 feet in search of salt water, to continue their investigations.

The President laid before the senate, the following communication, report and documents, from the canal commissioners: which were read.

(See Appendix A.)

*Ordered*, That they be referred to the committee on canals and internal improvements, and that five hundred copies thereof be printed for the use of the senate.

Mr. Clendenn, now presented his certificate of election.

*Ordered*, That it be referred to the committee on elections.

The senate resumed the consideration of the bill, relative to the official bonds of certain officers therein named; when,

Mr. Graham moved to amend the bill, in the first section thereof, by adding, after the word "officers," the words "and their securities," the object and effect of which amendment, would be, to make the bond a lien on the real estate of the securities, as well as on that of the officer:

Which motion did not prevail.

*Ordered*, That it be engrossed, and pass to a third reading.

The bill, to facilitate opening the Cumberland road, and to preserve the same from being obstructed or injured, was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill to relocate a part of the state road, leading from the Ohio line, by Abington and Waterloo, to Connersville;

The bill to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case therein named: And,

The bill, amendatory of an act, entitled "an act, authorising the leasing of Royce's Lick, and Rock Lick reserves, in the county of Washington, approved January 7th, 1828, were severally read a second time.

*Ordered*, That they be engrossed, and pass to a third reading.

The engrossed bill, to extend a certain act therein named, to the county of Warren, was read a third time:

*Resolved*, That this bill pass, and that the title thereof, be an act to extend a certain act therein named, to the county of Warren.

*Ordered*, That the assistant secretary inform the house of representatives thereof, and request concurrence.

The senate, now, according to order, resolved itself into committee of the whole, on the memorial of the general assembly of the state of Indiana, to the Congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river and its branches, and improving the great western mail route from Louisville, Kentucky, by Albany and Washington, to Vincennes; Mr. Maxwell in the chair; when, after some time spent thereon, the committee rose, and Mr. President resumed the chair, and Mr. Chairman reported the memorial to the senate, with sundry amendments;

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The senate now resumed the consideration of the joint memorial of the general assembly of the state of Indiana, to the Congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river, with its branches, and improving the great western mail route, from Louisville, Kentucky, by New Albany and Washington, to Vincennes; and the amendments made in committee of the whole senate: were now read at the secretary's table, and concurred in.

*Ordered*, That it be engrossed, and pass to a third reading.

And the senate adjourned.

WEDNESDAY, DECEMBER 16th, 1829.

The Senate assembled.

Mr. Clendenin presented the petition of William Philips and others, praying an appropriation for clearing out the obstructions in Lost river, which was read.

*Ordered*, That it be referred to a select committee, consisting of Messrs. Clendenin, Maxwell and Ewing, to consider and report thereon.

Mr. Depauw presented the petition of Love Wright, and accompanying claim, for services in distributing the laws; which was read.

*Ordered*, That it be referred to the committee on claims.

Mr. Fletcher presented the petition of Joseph Lefavour, Nicholas Shaffer and others, praying an extension of the operation of the law of lien to the benefit of labourers on real estate and mechanics generally, which was read.

*Ordered*, That it be referred to a select committee, consisting of Messrs. Fletcher, Lemon and Worth, to consider and report thereon.

Mr. Lomax presented the petition of Samuel Charles and Abraham Charles, guardian of the heirs of——Charles deceased, praying the passage of a law authorizing the sale of certain lots of land, which was read.

*Ordered*, That it be referred to the judiciary committee.

Mr. Givens from the committee on elections to whom was referred the credentials of the senators recently elected, reported that they had considered the same, and find the following gentlemen duly elected senators for the term of three years, from and after the first Monday in August 1829, to wit:

*From the county of Wayne*; Abel Lomax.

*From the counties of Rush and Henry*; Amaziah Morgan.

*From the county of Washington*; John Depauw.

*From the counties of Clark and Floyd*; John M. Lemon.

*From the counties of Gibson, Pike and Dubois*; David Robb.

*From the counties of Jefferson and Jennings*; John Sering.

*From the counties of Orange and Lawrence*; John G. Clendenin.

*From the counties of Randolph Delaware and Allen*, Daniel Worth.

*And from the counties of Putnam, Montgomery, Tippecanoe and Carroll*, Joseph Orr is elected to serve for the term of one year, from and after the first Monday in August 1829; which report was read.

*Ordered*, That it be concurred in.

Mr. Stevens from the committee on the judiciary to whom was referred a resolution of the senate, directing them to inquire into the propriety of repealing all statute laws, authorising trials of the right of property, when taken on execution, or provide some other mode that would not be so much calculated to delay the collection of debts: reported,

That they have examined the matters referred to them, and that they deem it inexpedient to repeal the act, authorising the trial of the right of property, when taken on execution, and claimed by third persons; and further, that any amendment to those acts, or any further legislation on the subject, could not place those trials on any better footing than they now stand.

The committee, therefore, ask to be discharged from any further consideration of the resolution.

*Ordered,* That the committee be discharged.

Mr. Stevens, from the committee on the judiciary, to whom was referred, the petition of sundry citizens of Orange county praying the abolition of the present existing probate court, and the transfer of the business into the circuit courts, or that the state be divided into probate circuits, and that probate judges, learned in the law, be elected by the legislature: report,

That they have had the petition under consideration, and that they are satisfied that some, (if not all) of the grievances of which the petitioners complain, exist, and that the changes suggested by the petitioners, are worthy of serious consideration: yet the committee deem it inexpedient, or rather unadvisable, to legislate at this time, on the subject, and they ask to be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

Mr. Stevens, from the committee on the judiciary, to whom was referred so much of the message of his Excellency, the Governor, as relates to real estate, which is in these words, to wit:

"Justice to our own citizens, and public policy, are again beginning to urge their claims to a law, which will place execution defendants in this state, upon an equality with those in the state where the contract was made, in relation to the disposal of the fee simple of real estate. If there is any thing that would justify a law, other than one prospective in its operations, it would be the hardships, which some valuable citizens of Indiana are subject to, in being compelled to witness a sacrifice of their homes, without any thing like a just compensation therefor, whilst they may have claims suspended under the more prudent valuation laws of other states, which would afford ample relief, if they could be obtained. Almost all well regulated governments place some kind of valuable restriction upon the

transfer of real estate by the operation of law, whilst some will not permit it at all. There would be strict justice, however, in enacting, that the remedies of the place where contracts are to be executed or made, should govern in this respect"—report:

That they have duly examined the measures proposed and recommended by his Excellency, and have given them their due weight, but they are of opinion, that the changes recommended, would be deleterious in their practical effects to the prosperity of the country, and that no legislation is necessary or expedient on the subject: therefore,

The committee ask to be discharged from the further investigation thereof.

*Ordered*, That the committee be discharged.

Mr. Stevens, from the committee on the judiciary, to whom was referred sundry resolutions of the senate, and also a bill of the senate, requiring various amendments and supplements to the act of January 1829, organizing probate courts:—report,

That they have performed the duties required of them by the above references, and have drawn a bill, agreeably to the suggestions made in those references, which they herewith present for the consideration of the senate.

The committee further report, that they have engrafted the principles of the bill, referred to them, as above, in the bill by them reported, and therefore, recommend the adoption of the following resolution, to wit:

*Resolved*, That a bill of the senate, entitled "a bill, legalizing the election of probate judge in the county of Washington," referred to the committee on the judiciary, as above stated, be laid upon the table: which resolution was read.

*Ordered*, That it be adopted.

The senate proceeded to consider the bill above reported by the committee, entitled a bill, to amend "an act, to organize probate courts, and define the powers and duties of executors and administrators," approved, January 23, 1829: which was read.

*Ordered*, That it pass to a second reading.

Mr. Stevens, from the committee on the judiciary, to whom was referred, a resolution of the senate, instructing them to inquire whether further legislation is necessary to ensure a more speedy printing and distribution of the laws and journals —report,

That they have performed that duty, and find that it is necessary to further legislate on that subject, and therefore, here-



with present a bill to the senate, for their consideration: which was read.

*Ordered,* That it pass to a second reading.

Mr. Maxwell, from the committee on education, to whom was referred a resolution of the senate, instructing them to inquire into the expediency of reducing the minimum price of the remaining unsold lands in the reserved townships of land, in Gibson and Monroe counties—report,

That they have had the subject under consideration, and are of opinion, that a reduction should be made; and now report, a bill for that purpose: which was read.

*Ordered,* That it pass to a second reading.

Mr. Fletcher, from the committee on the affairs of the town of Indianapolis, to whom was referred a joint resolution, authorising the Governor to occupy the house, erected on the Governor's Circle—reported,

That they have had that resolution under consideration, and not agreeing to any amendments thereto, have directed him to report the same back to senate without amendment: And,

On motion,

*Ordered,* That it be committed to a committee of the whole senate.

Mr. Orr submitted the following preamble and resolution for consideration, to wit:

Whereas, a considerable portion of the state of Indiana, has experienced important benefits from the liberal application of the three per cent. fund, for the improvement of the public roads in said districts; and, whereas, there is still remaining a large portion of country, which has received little or no assistance in making roads from said fund:

Therefore,

*Resolved,* That the standing committee on roads, be instructed to inquire into the expediency of appropriating the monies hereafter accruing to the state from said fund, to such roads and sections of the state, as have been heretofore unprovided, until something like an equal application of said fund shall have taken place: which being read, was agreed to.

Mr. Sering submitted the following resolution, for consideration and adoption:

*Resolved,* That the committee, to whom was referred that part of the governor's message, relative to the colonization of the free people of color, be directed to inquire into the propriety of memorializing congress to authorise the President of the United States, to place, at the disposition of the American Colonization Society, for the accomplishment of its admirable

object, such portion of the armed vessels of the United States, equipped and provisioned, as the protection of the commerce of the Union, and the purposes of improvement in that arm of national defence will warrant: which was read; And

Mr. Stevens moved to amend the same, by the addition of the following words thereto, to wit: "or grant such other or further aid, as congress may think proper:" which was agreed to.

And the said resolution, as amended, was adopted.

Mr. Blair offered for consideration and adoption the following resolution:

*Resolved*, That the committee on the judiciary be requested to enquire into the expediency of reporting a bill, dividing this state into six or more judicial circuits, with leave to report by bill or otherwise; when,

Mr. Ewing moved to amend the same by striking out all of the said resolution after the word "bill," and inserting the following, to wit:

"To equalize the duties of the existing circuit judges and prosecutors, so that each shall be required as near as may be, to render the same portion of judicial services."

Whereupon,

A division of the question being called for, and the question on striking out first put;

It was determined in the negative.

Mr. Givens then offered the following amendment to the said resolution, by adding thereto the following, to wit:

"And also to provide for three terms of the circuit court, in each county."

And on the question, shall this amendment be adopted?

It was determined in the affirmative—ayes 11, noes 11.

The senate being equally divided, the president determined in the affirmative.

The ayes and noes being demanded by two senators,

*Those who voted in the affirmative were,*

Messrs. Blair,  
Claypool,  
Clendenin,  
Daniel,  
Givens,  
Linton.

Messrs. Maxwell,  
M'Kinney,  
Orr,  
Stevens,  
Worth.

*Those who voted in the negative were;*

Messrs. Depauw,  
Ewing,  
Fletcher,  
Graham,  
Gregory,  
Lemon,

Messrs. Lomax,  
Morgan,  
Robb,  
Sering,  
Watts.

Mr. Robb then moved to strike out from the said resolution the words "or more"; the object of which proposed amendment was, to confine and limit the enquiry of the committee to six circuits; which motion did not prevail.

The resolution being amended to read as follows, to wit:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill, dividing the state into six or more judicial circuits, and also to provide for three terms of the circuit court in each county, with leave to report by bill or otherwise; was adopted.

And the Senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

On motion, by Mr. Gregory,

*Resolved*, That the committee on education, be instructed to furnish the senate at as early a period as possible, the number of students in the Indiana college at Bloomington, the number of teachers; and the amount per annum to the president and each professor in said institution, and the conditions on which they are employed, and out of what fund paid, together with the situation and number of buildings and the amount of apparatus in the library belonging to said institution.

The bill to amend an act subjecting real and personal estate to execution, approved 20th January, 1824; was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill to amend an act for the relief of occupying claimants of land, was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill to amend the act regulating the interest on money in the state of Indiana, approved, January 21st, 1818, was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill relative to the official bonds of certain officers therein named, was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act relative to the official bonds of certain officers therein named.

The engrossed bill to relocate a part of the state road, leading from the Ohio line by the way of Abington and Waterloo, to Connersville, was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act to relocate a part of the state road leading from the Ohio line, by Abington and Waterloo, to Connersville.

The engrossed bill amendatory of an act entitled "an act authorising the leasing of Royce's lick, and Rock lick reserves, in the county of Washington, approved, January 7th, 1828: was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act amendatory of an act, entitled an act, authorising the leasing of Royce's lick and Rock lick reserves in the county of Washington, approved, January 7, 1828; and,

The engrossed memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river, with its branches; and of improving the great western mail route from Louisville, Ky. through New Albany, Paoli, and Washington to Vincennes; was read a third time.

*Resolved*, That this joint memorial pass, and that the title thereof be,

A memorial of the general assembly of the state of Indiana to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash, and White river with its branches, and of improving the great western mail route from Louisville Ky. through New Albany, Paoli and Washington to Vincennes.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the said bills and memorial, and request concurrence.

The following message was received from the house of representatives, by Mr. Lanier their clerk.

MR. PRESIDENT:

I am instructed to inform the senate that the house of representatives has passed an engrossed bill, entitled,

"An act to amend the act entitled an act to provide for in-

incorporating a county seminary in the county of Clark, approved, January 26, 1827;" and,

"An engrossed joint resolution relative to the western mail stage route from Louisville Kentucky to St. Louis in Missouri;" in which act and joint resolution the concurrence of the senate is requested.

The said two bills last reported from the house of representatives for concurrence, were severally read a first time.

*Ordered*, That they pass to a second reading.

The President laid before the senate the following communication from the Governor, to wit:

EXECUTIVE DEPARTMENT,  
Indianapolis, Dec. 16th, 1829.

MILTON STAPP,

*President of the Senate:*

SIR—I lay before you for the use of the senate, some resolutions of the state of Louisiana, on the subject of the presidential election.

Your obedient servant,

J. BROWN RAY.

Which, with the resolutions were read.

*Ordered*, That the resolutions be referred to the committee on elections to consider and report thereon.

The senate, according to order, resolved itself into committee of the whole on the bill to facilitate the opening the Cumberland road and preserve the same from being obstructed or injured; Mr. Watts in the chair, when, after some time spent thereon; the committee rose, Mr. President resumed the chair, and Mr. Chairman reported the same to the senate, with amendments, which were read, and concurred in.

*Ordered*, That it be engrossed and pass to a third reading.

The senate, according to order, resolved itself into committee of the whole on the joint resolution to declare, establish, ratify and confirm with one fundamental condition, the compact entered into between Wyllys Siliman commissioner on the part of the state of Ohio and Jeremiah Sullivan, commissioner on the part of the state of Indiana; Mr. Blair in the chair, when, after some time spent thereon, the committee rose, Mr. President resumed the chair, and Mr. Chairman reported the joint resolution to the senate, without amendment.

*Ordered*, That it be engrossed and pass to a third reading.

And the Senate adjourned.

THURSDAY, DECEMBER 17, 1829.

The Senate assembled.

Mr. Graham, from the committee of ways and means, to whom was referred, a resolution of the senate, instructing them to report a bill or resolution, instructing the secretary of state to cause suit to be instituted against the contractor and his securities, for failing to distribute the laws and journals of the last session of the general assembly—report,

That they have considered the same, and herewith present a joint resolution on the subject of distributing the laws and journals of the last session of the general assembly: which was read.

*Ordered*, That it pass to a second reading.

Mr. Stevens, from the committee on the judiciary, to whom was referred so much of the governor's message, as relates to "*gambling*" and "*habitual drunkenness*"—report,

That they have duly considered so much of his Excellency's message as is referred to their consideration, and are of opinion, that it is inexpedient to legislate on those subjects.

The committee is well aware of the prevalence of the vices and evils complained of, and of the demoralizing and desolating effects thereof; but, at the same time, the committee believe, that penal enactments never will, or can produce the desired reformation; that the education, manners and customs of society, are the only effectual antidote.

The amendments to the statute, on the subject of gambling, recommended by his Excellency, are practicable, and would be, perhaps, salutary. But it is believed, that the statutes of the state must necessarily be revised, within a very limited period; and, therefore, it is deemed unnecessary to make those amendments at this time. The committee, therefore, ask to be discharged.

*Ordered*, That the committee be discharged from the further consideration of the subject.

Mr. Stevens from the committee on the judiciary, to whom was committed an engrossed bill of the senate, authorising the circuit court of the county of Vanderburgh to change the venue in a certain case—report,

That they have had that bill under their consideration, and not agreeing on any amendment thereto, and being divided in opinion, in relation to the expediency of making such enactments, they now report it back to the senate without amendment,

The order of reference does not inform the committee of the object of the reference: therefore, they had no particular or special points before them for discussion. The enquiry made by the committee, was a general one, and the result of their deliberations was a conviction, that no general law, authorising the change of venue in criminal cases, should be made.

*Ordered*, That the bill pass to a third reading.

Mr. Stevens, from the committee on the judiciary, to whom was referred so much of the governor's message as relates to special courts—report,

That they have had that subject under their consideration, and deem it inexpedient to authorise the calling of special courts. The committee believe, from their knowledge of past experience, that special courts do not well answer the ends and purposes of justice, and that the expenses of one of those courts would generally amount to more than the costs of keeping a criminal would amount to in a year. The committee, therefore, ask to be discharged from further investigating the subject.

*Ordered*, That the judiciary committee be discharged from the further consideration of the subject.

Mr. Graham, from the select committee, to whom was referred so much of the governor's message as relates to the Domain—report,

That they have had the same under their consideration, and ask leave to say, that the whole subject was presented to the congress of the United States at their last session, and as your committee believe, not finally acted on, for want of time. But trusting, as we do, in the liberality of congress, we confidently hope, that that body will give our requests a favorable consideration at their present session. With this view, the committee deem further legislation at this time, unnecessary; your committee therefore ask leave to be discharge from the consideration of the subject.

*Ordered*, That the select committee be discharged from the further consideration of that subject.

On motion by Mr. Stevens,

*Resolved*, That a select committee be appointed to enquire into the situation of the state library, and to ascertain from the secretary of state and other sources of intelligence, (if they can) why an act of the last session, making appropriations for the state library, has not been printed or acted upon, and also to enquire into the expediency of making additional appropriations for the gradual increase of said library, and of extending the use thereof to such librarians as may have faith:

fully discharged their duty for the term of        years after the expiration of their official term of service as such, under the same restrictions applicable to others using the same, with leave to report by bill or otherwise.

*Ordered*, That Messrs. Stevens, Watts and Fletcher be that committee.

The bill to provide for the public printing and for other purposes, was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed joint resolution from the house of representatives relative to the western mail stage route from Louisville in Kentucky to St. Louis in Missouri, was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, entitled an act to amend the act entitled an act to provide for incorporating a county seminary in the county of Clark, approved, January 26th, 1827, was read a second time.

*Ordered*, That it be referred to a select committee consisting of Messrs. Lemon, Depauw and Sering, to consider and report thereon.

The bill to amend an act to organize probate courts, and define the powers and duties of executors and administrators, approved 23d January, 1829, was read a second time; when,

Mr. Graham moved, to strike out of said bill, so much as prohibits appeals to the circuit court, and after some debate on this motion, and previous to any question taken thereon,

Mr. Graham moved, that the bill be recommitted to the judiciary committee, with instructions so to amend the same, as to grant appeals from the probate to the circuit courts; which motion was determined in the negative.

Mr. M'Kinney moved to amend the bill by adding thereto the following section, to wit:

"Sec.    That so much of the 1st section of the act to which this is an amendment as requires that no person shall be elected a probate judge or receive a commission therefor, until he shall first obtain a certificate, from either one of the judges of the circuit court, or from one of the judges of the supreme court, that he is qualified to discharge the duties of such office," be, and the same is hereby repealed.

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 8, noes 14.

The ayes and noes being demanded by two senators,



*Those who voted in the affirmative were,*

Messrs. Clendenin,  
Ewing,  
Lemon,  
Lomax,

Messrs. M'Kinney,  
Morgan,  
Robb,  
Watts.

*Those who voted in the negative were,*

Messrs. Blair,  
Claypool,  
Daniel,  
Depauw,  
Fletcher,  
Givens,  
Graham,

Messrs. Gregory,  
Linton,  
Maxwell,  
Orr,  
Sering,  
Stevens,  
Worth.

The bill requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum prices thereof; was read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

The engrossed joint resolution to declare, establish, ratify and confirm with one fundamental condition, the compact entered into between Wyllys Silliman commissioner on the part of the state of Ohio, and Jeremiah Sullivan, commissioner on the part of the state of Indiana; and amended by common consent, by adding thereto an additional resolution, instructing the Governor of Indiana, to forward to the Governor of Ohio, a copy of this joint resolution.

Mr. Morgan then moved that it lie on the table.

And on the question, shall this resolution lie on the table?

It was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being demanded by two senators,

*Those who voted in the affirmative were,*

Messrs. Claypool,  
Clendenin,  
Daniel,  
Depauw,  
Fletcher,  
Gregory,

Messrs. Lemon,  
Lomax,  
Morgan,  
Stevens,  
Worth.

*Those who voted in the negative were,*

Messrs. Blair,  
Ewing,  
Givens,  
Linton,  
Maxwell,

Messrs. M'Kinney,  
Orr,  
Robb,  
Sering,  
Watts.

The engrossed bill to facilitate the opening of the Cumberland road and preserve the same from being obstructed or injured; was read a third time, amended by common consent.

*Resolved*, That this bill pass, and the title thereof be,  
"An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured."

*Ordered*, That the assistant secretary inform the house of representatives thereof, and request concurrence.

And the Senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

The senate according to order resolved itself into committee of the whole on the joint resolution "authorising the governor to occupy the house erected on the Governor's Circle," Mr. Claypool in the chair, when, after some time spent thereon, Mr. President resumed the chair, and Mr. Chairman reported progress, and asked leave to sit again, which was granted.

The senate now according to order resolved itself into committee of the whole senate on the bill to "amend the act entitled an act regulating the interest of money in the state of Indiana, approved, January 21st, 1818; Mr. Clendenin in the chair, when, after some time spent thereon, the committee rose, Mr. President resumed the chair and Mr. Chairman reported the bill to the senate with one amendment, which was by striking out the first section of said bill, which reads in these words, viz:

*"Be it enacted by the General Assembly of the state of Indiana,* That nothing in the first section of the act to which this is an amendment, shall be construed to prohibit any creditor from collecting any per centum or amount of interest on any contract for the forbearance of payment of any money: *provided*, the same shall be specifically set forth in the bond, bill, promissory note or other instrument of writing given in evidence of such contract."

And on the question, will the senate concur in the proposed amendment?

It was determined in the negative—ayes 9, noes 13.

The ayes and noes having been demanded by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool,  
Ewing,  
Givens,  
Gregory,  
Lemon,

Messrs. M'Kinney,  
Morgan,  
Robb,  
Watts.

*Those who voted in the negative, were,*

Messrs. Blair,  
Clendenin,  
Daniel,  
Depauw,  
Fletcher,  
Graham,  
Linton,

Messrs. Lomax,  
Maxwell,  
Orr,  
Sering,  
Stevens,  
Worth.

Mr. Lomax then proposed to amend said bill by adding to the end of the first section, the following *proviso*, viz:

*"Provided such interest shall not exceed twelve per centum, per annum."*

And on the question, shall the bill be so amended?

It was determined in the negative—ayes 4, noes 18.

The ayes and noes having been demanded by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool,  
Givens,

Messrs. Lomax,  
Morgan.

*Those who voted in the negative, were,*

Messrs. Blair,  
Clendenin,  
Daniel,  
Depauw,  
Ewing,  
Fletcher,  
Graham,  
Gregory,  
Lemon,

Messrs. Linton,  
Maxwell,  
M'Kinney,  
Orr,  
Robb,  
Sering,  
Stevens,  
Watts,  
Worth.

And on the question; shall the bill be engrossed and read third time?

It was determined in the negative—ayes 10, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were.*

Messrs. Blair,	Messrs. Graham,
Clendenin,	Linton,
Daniel,	Maxwell,
Depauw,	Stevens,
Fletcher,	Worth.

*Those who voted in the negative, were,*

Messrs. Claypool,	Messrs. M'Kinney,
Ewing,	Morgan,
Givens,	Orr.
Gregory,	Robb,
Lemon,	Sering,
Lomax,	Watts.

On motion by Mr. M'Kinney,

*Ordered*, That the committee of the whole senate be discharged from the further consideration of the bill to amend an act for the relief of occupying claimants of land; and that it be engrossed, and pass to a third reading.

The senate now according to order resolved itself into committee of the whole senate on the bill to amend an act, subjecting real and personal estate to execution, approved, 30th January, 1824; Mr. Daniel in the chair, when, after some time spent thereon, the committee rose, Mr. President resumed the chair, and Mr. Chairman reported the bill to the senate without amendment.

*Ordered*, That it be engrossed and pass to a third reading.

And the Senate adjourned.

---

FRIDAY, DECEMBER 18th, 1829.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier their clerk, to wit:

MR. PRESIDENT:

The house of representatives has passed engrossed bills, of the following titles, viz:

"An act, supplemental to an act, entitled an act, to establish a state road from Levensworth, by way of Bono, to Indianapolis: And,

"An act, to relocate part of the state road, from Vincennes to Spencer, in Owen county."

In which acts, I am directed to ask the concurrence of the senate.

And, the said bills having been severally read:

*Ordered*, That they pass to a second reading.

Mr. Graham, from the committee on ways and means, to whom was referred the petition of Richard Beem, praying relief, for certain reasons in the said petition set forth—now reported

A bill, to authorise the collecting of the revenue of Jackson county, for 1829, to sell certain lands for the taxes due thereon: which bill was read.

*Ordered*, That it pass to a second reading.

The bill was then read a second time, by the unanimous consent of the senate.

*Ordered*, That it be committed to a committee of the whole senate.

Mr. Sevens, from the committee on the judiciary, to whom was referred a resolution of the senate, instructing them to inquire into the expediency of making it a penal offence, to cut and destroy timber, unlawfully, the timber of another person—report,

That they had performed that duty, and herewith present a bill, on that subject, for the consideration of the senate, entitled a bill, supplemental to an act, entitled "an act, relative to crime and punishment," approved 20th January, 1824.

Which bill was read.

*Ordered*, That it pass to a second reading.

Mr. Maxwell, from the committee on education, to whom was referred a resolution of the senate, instructing them to inquire into the expediency of authorising some person by law, to advertise the election for trustees of county libraries—report,

That they have had the resolution under consideration, and are of opinion, that an amendment of the general law on that subject is necessary, and accordingly report,

A bill, to amend an act, entitled "an act, to amend an act.

entitled an act, for the incorporation of county libraries," approved February 7th, 1825.

Which bill was read.

*Ordered*, That it pass to a second reading.

Mr. Maxwell, from the committee on education, to whom was referred a resolution of the senate, instructing them to inquire into the expediency of amending the act, passed at the last session of the general assembly, providing for the sale of the school lands, so as to authorise the inhabitants of the several townships, who have not sold their lands, under the provisions of said act, to sell, and convey said lands: also, to have the management of their own funds—report,

That they have duly considered the subject referred, and that, from the various and conflicting opinions entertained by the citizens of the different parts of the state, as exhibited by the numerous discordant petitions and resolutions, already referred to your committee, it is inexpedient to legislate on the subject at the present session of the legislature, and ask to be discharged from the further consideration of the resolution.

*Ordered*, That the committee on education be discharged from the further consideration of that subject.

Mr. Gregory, from the standing committee on roads, to whom had been referred the petition of Paul Casselberry, praying compensation for procuring subscriptions for the improvement of a state road—now report,

That they have had that subject under consideration, and deem it inexpedient to make any appropriation out of the state treasury, inasmuch as the services performed, were of a local nature, and nothing with which the state was concerned; the committee, therefore ask to be discharged from any consideration of said petition.

*Ordered*, That the committee on roads be discharged from the further consideration of the subject.

And on motion by Mr. Givens,

The petition was committed to a select committee, to consider and report thereon.

*Ordered*, That Messrs. Givens, Robb, and Daniel, be that committee.

Mr. Gregory, from the committee on roads, to whom was referred a resolution of the senate, directing the committee to inquire into the expediency of so amending the act for opening and repairing public roads and highways, as to make it specially the duty of viewers appointed by the boards doing county business, to employ a surveyor, chain carriers, and marker, and to provide for the paying the same out of the county treasury—

have had that matter under consideration, and are of opinion, that the expense thereby created in the several counties in this state, would be so considerable as would far overbalance the advantages derived therefrom; and your committee ask to be discharged from any further consideration of said resolution.

*Ordered*, That the committee be discharged from the further consideration of that subject.

Mr. Morgan, from the committee on claims, to whom was referred the petition of Levi Wright, praying compensation for conveying two packages of the laws and journals of Indiana, for 1829, from New Albany to the office of the clerk of Washington county—report,

That they have had that subject under consideration, and are of opinion that the petitioner should be allowed six dollars for the services so rendered.

MORGAN, *Chairman*.

Which report was read,

*Ordered*, That it lie on the table.

Mr. Lemon, from the select committee, to whom was referred "the engrossed bill, from the house of Representatives, entitled "an act, to amend the act, to provide for incorporating a county seminary, in the county of Clarke," approved January 26th, 1827—now reported the same to the senate without amendment.

*Ordered*, That it pass to a third reading.

Mr. Gregory, on leave granted, introduced a bill, to regulate the mode of doing county business, in the several counties throughout this state: which was read.

*Ordered*, That it pass to a second reading.

Mr. Claypool, on leave granted, introduced a bill, to extend the right of suffrage to the election of county treasurer and collectors: which was read.

*Ordered*, That it pass to a second reading.

Mr. Stevens, on leave granted, introduced a bill, relative to the election of representatives in congress: which was read.

*Ordered*, That it pass to a second reading.

The joint resolution on the subject of distributing the laws and journals of the last general assembly, was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case:

Was read a third time, and passed—ayes 12, noes 9.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Daniel,  
Depauw,  
Ewing,  
Givens,  
Graham,  
Lomax,

Messrs. Maxwell,  
M'Kinney,  
Morgan,  
Robb,  
Sering,  
Watts.

*Those who voted in the negative, were,*

Messrs. Blair,  
Claypool,  
Clendenin,  
Fletcher,  
Gregory,

Messrs. Lemon,  
Linton,  
Orr,  
Worth.

So it was

*Resolved*, That this bill pass, and that the title thereof be "an act, to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case.

The engrossed bill, to amend an act, entitled "an act, for the relief of occupying claimants of land, was read a third time.

*Resolved*, That this bill pass, and that the title thereof be, "an act, to amend an act, entitled an act, for the relief of occupying claimants of land.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the two last mentioned bills, and request concurrence.

The engrossed joint resolution from the house of representatives, entitled a joint resolution, relative to the western mail stage route, from Louisville, in Kentucky, to St. Louis, in Missouri; was read a third time.

*Resolved*, That this resolution pass.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the foregoing joint resolution, without amendment.

The engrossed bill, to amend an act, subjecting real and personal estate, to execution, approved 30th January, 1824, was read a third time.

Mr. Ewing moved that the bill be committed to a select committee, with instructions so to amend the same, that no mortgages now made and existing, shall, in any way, be effected thereby:

Which motion prevailed—ayes, 13, noes 9.

The ayes and noes being requested by two Senators:



*Those who voted in the affirmative, were,*

Messrs. Blair,  
Claypool,  
Daniel,  
Ewing,  
Givens,  
Gregory,  
Lemon,

Messrs. Lomax,  
M'Kinney,  
Morgan,  
Orr,  
Sering,  
Worth.

*Those who voted in the negative, were,*

Messrs. Clendenin  
Depauw,  
Fletcher,  
Graham,  
Linton,

Messrs. Maxwell,  
Robb,  
Stevens,  
Watts.

*Ordered,* That Messrs. Ewing, M'Kinney and Claypool, be the committee.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The senate according to order, again resolved itself into committee of the whole, on the joint resolution, authorising the Governor to occupy the house erected on the Governor's Circle, Mr. Claypool in the chair, when, after some time spent thereon, the committee rose—the president resumed the chair, and Mr. Chairman reported the resolution to the senate with an amendment, which was, by striking it out from the word *Resolved*,

*Ordered,* That the amendment be concurred in.

Mr. Linton then moved the following amendment to the resolution, after the word *Resolved*, to wit:

"That the secretary of state, treasurer and auditor, be appointed a committee to ascertain from persons owning property about the State House Square, upon what terms a compromise of their claims upon the state for the erection of a state house at that place, can be made."

*Ordered,* That the resolution and proposed amendment, lie on the table.

The following message was received from the house of representatives, by Mr. Lanier their clerk, to wit:

**MR. PRESIDENT:**

The house of representatives has passed engrossed bills of the following titles, viz:

An act, legalizing the proceedings of the board of justices of Pike county.

An act, to incorporate the Crawfordsville seminary.

An act, amendatory of an act, entitled an act, authorising the leasing of Royce's and Rock lick reserves, in the county of Washington, approved January 7th, 1829.

An act, concerning claims in the county of Henry.

An act, explaining and regulating jurisdiction.

An act, establishing a state road therein named, and for other purposes.

An act, to incorporate the Rising Sun seminary society.

An act, to repeal the act, entitled "an act, to incorporate the townships of Shelby county. And

An an act, to amend the act, entitled "an act, organizing the supreme court and defining its powers and duties," approved, January 2d, 1824.

In which several acts, I am directed to ask the concurrence of the senate.

The house of representatives has passed an engrossed bill from the senate, entitled

An act, to relocate a part of the state road, leading from the Ohio line, by Abington and Waterloo, to Connersville, without amendment.

And the senate adjourned.

**SATURDAY, DECEMBER 19th, 1829.**

The Senate assembled.

The following engrossed bills from the house of representatives, entitled acts, to wit:

"An engrossed bill to incorporate the Crawfordsville seminary,"

The engrossed bill to amend an act, entitled an act, organizing the supreme court, and defining its powers and duties.

The engrossed bill, entitled an act, to repeal an act, entitled an act, to incorporate the townships of Shelby county.

The engrossed bill, to incorporate the Rising Sun seminar, society.

The engrossed bill, explaining and regulating jurisdiction:

The engrossed bill, concerning claims in the county of Henry.

The engrossed bill, amendatory to an act, entitled an act authorising the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington; approved January 7th, 1828; and,

The engrossed bill legalizing the proceedings of the board of justices of Pike county;

Were severally read a first time.

*Ordered*, That they pass to a second reading.

The engrossed bill from the house of representatives, entitled an act, establishing a state road therein named, and for other purposes: was read a first time.

*Ordered*, That it pass to a second reading.

The bill was then read a second time by unanimous consent.

*Ordered*, That it pass to a third reading.

Mr. Orr, from the committee on elections, to whom was referred so much of the Governor's message, as relates, to taking the state census; now reported,

A bill to provide for taking the enumeration of white male inhabitants above the age of twenty one years, in this state; which was read.

*Ordered*, That it pass to a second reading.

Mr. Maxwell from the committee on education, to whom was referred several petitions and resolutions of the senate requiring them to enquire into the expediency of adding to, altering and amending an act of the last general assembly, relative to the sale of the reserved school sections of land—report,

That they have had those several resolutions and petitions, under consideration, and deem it expedient to report by bill—entitled a bill, to amend an act, entitled an act, to authorise the sale of the school lands and for other purposes, approved January 23d, 1829: which was read.

*Ordered*, That it pass to a second reading.

Mr. Maxwell, from the committee on education, to whom was referred a resolution of the senate, instructing them to inquire into the expediency of collating, revising and embodying all the laws now in force, upon the subject of schools and school lands, and if expedient, to report a bill, embracing in its provisions a system, for the management of all the public school lands—report,

That they have had the subject in the resolution contained, under consideration; but believing that a general revision of the laws must necessarily take place in a short time, and being aware also, that the interest accruing from the township monies now loaned out, cannot, in conformity with the act of congress.

be applied until the same shall augment so far as to enable the townships to keep up a school for three months in a year, are of opinion that the collation and revision contemplated by the resolution, is inexpedient at this time and ask to be discharged from the further consideration of the subject.

*Ordered,* That the committee be discharged from the further consideration of that subject.

Mr. Maxwell, from the committee on education, to whom was referred a resolution of the senate, instructing them to furnish the senate at as early a day as possible, with the number of students in the Indiana college, at Bloomington, the number of teachers, and the amount paid per annum, to the president and each professor, in said institution; and the condition on which they are employed, and out of what fund paid, together with the situation and number of buildings, and the amount of apparatus belonging to said institution—report, as follows, to wit:

That the board of trustees of the Indiana college, have employed a president, a professor of Mathematicks, and a professor of Languages, in said institution. The president and professors, are elected to continue in office during the pleasure of the board. The salary of the president is one thousand dollars, and that of the professors of mathematicks and languages, each four hundred dollars per annum; which salaries, are paid out of the interest arising from the sales of the seminary lands paid into the loan office, and from the interest of money loaned from said office. In addition to this, the board of trustees have allowed the president one third part of the tuition fees, and each of the professors one third, until the salary of the president may amount to \$1300, and that of the professors to six hundred and fifty per annum. There is one building only, which can be occupied for the purposes of the college.—It contains six rooms or apartments; but these are found to be insufficient for recitations, and the various exercises of the students of the college. The trustees have erected, during the past summer and fall, and put under cover, an additional brick building, intended to afford additional recitation rooms, library and chemical laboratory. In this building, there will be a college chapel, with ample galleries, so as to accommodate a very large assembly. The last mentioned building, is fifty feet in width, and seventy five feet in length, and three stories high, with a deep roof, at one end of which, will be a cupola, in which the college bell will be placed, and at the other end, an observatory for astronomical purposes. Your committee can state, that there are students in the Indiana college, from Louisiana, Illinois, Kentucky, Indiana, Pennsylvania, and probably from New Jersey; but not

having any means of ascertaining the number of students in the college since the commencement of the last session, it is out of their power to give precise information on that subject. Your committee, however, are led to believe, from the last information they have been able to obtain, that there will be about fifty students during this winter, with the prospect of a considerable increase next spring. The institution has a small but insufficient library, but is without a philosophical apparatus.

*Ordered,* That the committee be discharged from the further consideration of that subject.

Mr. Maxwell, from the committee on education, to whom was referred a resolution of the senate, instructing them to inquire into the expediency of compiling all the acts, regulating and defining the duties of trustees of county seminaries, and to determine whether amendments to the law, be necessary—report,

That they have examined the different acts, upon that subject, and find that the act in the revised code, contains every necessary provision for collecting, securing and applying the county seminary fund.

Your committee, therefore, deem it inexpedient to legislate further on the subject, and ask to be discharged from its further consideration.

*Ordered,* That the committee be discharged from the further consideration of that subject.

Mr. Orr, from the standing committee on roads, to whom was referred a resolution of the senate, instructing them to inquire into the expediency of appropriating a part of the three per cent. fund, to the laying out and improving state roads, in the new counties—now reported,

A bill, providing for the location, opening and improvement of certain state roads: which was read.

*Ordered,* That it pass to a second reading.

Mr. Maxwell, from the joint committee on enrolled bills, now reported,

That they have compared the enrolled with the engrossed joint resolution, entitled a joint resolution, relative to the western mail stage route, from Louisville, Kentucky, to St. Louis in Missouri, and find the same truly enrolled.

Mr. Ewing, from the select committee to whom was referred so much of the Governor's message as relate to agriculture, mechanics and arts, have had the same under consideration: and report,

That, although, deeply impressed with a conviction of the laudable objects adverted to in the matter referred, and wil-

ling to advance them by a course of policy exemplified by experience elsewhere, to be of general utility and advantage; yet, as the power to originate a tax for bounties, is evidently involved at present, and this branch of the general assembly, is not invested with that power under the constitution, the measures required, cannot properly come within our sphere of action, except by way of amendment to bills sent here for concurrence:

Therefore, your committee ask leave to be discharged from the further consideration of the subject.

*Ordered*, That the select committee be discharged from the further consideration of the subject.

Mr. Ewing, from the select committee, to whom was referred a bill, entitled "a bill, to amend an act, subjecting real and personal estate to execution," approved Jan. 30th, 1824, with instructions so to amend the same, "that no mortgage now made, or existing, shall in any way be affected thereby—report the following *proviso*, to be added to the second section thereof:

"*Provided*, this report shall only apply to mortgages made and entered into after the taking effect of this act; and shall not be construed to apply to mortgages made and existing, or in any way regulate proceedings to affect mortgage contracts made and entered into previous thereto; and all mortgage contracts, existing at the taking effect thereof, shall be foreclosed and exacted, according to the law in force, at the period of their dates."

Which report was read and concurred in.

*Ordered*, That it be engrossed, and with the bill, pass to a third reading.

Mr. Linton, from the select committee, to whom was referred the petition of Neely Beem, and others, citizens of the counties of Clay, Putnam and Vigo, praying an appropriation for the removal of obstructions to the navigation of Eel river—now reported,

A bill, to provide for the removal of obstructions to the navigation of Eel river: which was read.

*Ordered*, That it pass to a second reading.

Mr. Robb, from the select committee, to whom the subject had been referred—reported,

A bill, appointing commissioners to relocate the seat of justice of Dubois county: which was read.

*Ordered*, That it pass to a second reading.

Mr. Stevens, offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the committee on the affairs of the town of Indianapolis be, and they are hereby required to report a bill, to the senate, directing the secretary and treasurer of state, and

auditor of public accounts, to select immediately, and cause to be properly finished, rooms in the public building, in the town of Indianapolis, known by the name of the Governor's House, for the permanent reception of the offices of secretary of state, auditor of public accounts, agent of the town of Indianapolis, and agent of the three per cent. fund, and for the immediate removal of those offices to the rooms, so prepared and finished for their reception, so soon as they are finished and ready for the reception thereof: which was read.

*Ordered*, That it lie on the table.

The President laid before the senate the following communication from the secretary of state:

SECRETARY'S OFFICE, }  
December 19, 1829. }

The Secretary of State, discharging the office of State Librarian, in obedience to the requisitions of the act, to establish a State Library, approved, February 11th, 1825, respectfully submit the following report of additions to the Library since the 14th of January last.

The last annual report exhibited an unappropriated

balance in the hands of W. W. Wick, Esq.

last Librarian of

\$10 10

See journal of house of representatives of 1828-9,

page 416, amount of appropriation for 1829, \$30 00

---

40 10

*With the above fund, the following purchases have been made by Mr. Merrill, Treasurer of State, to wit:*

Works of Sir Walter Scott, 47 vols.

\$25 00

Irving's life of Columbus, 3 vols.

6 50

Pitkin's United States, 2 vols.

4 25

Scott's life of Napoleon, 3 vols.

4 00

39 75

Leaving a balance unappropriated, of

35

*The following additions have been made by binding, viz:*

10 copies of the journals of the senate of

Indiana for

1829,

\$5 00

10 do. do. house of representatives do.

1829

5 00

3 do. laws of Indiana.

1823

1 50

1 do. " of the Territory

1811

50

2 do journals of H. of Reps. of Indiana

1816

1 00

1 do. do. do. do. do.

1822

50

2 do. do. senate of do.

1821-2

1 00

2 do. do. do. do. do.

1818

1 00

3 do. do. do. do. do.

1816

1 50

8 do. special acts do.

1824

1 50

4 do. militia acts	do.	1824	2 00
2 do. journal of convention	do	1816	1 00

---

\$21 50

*Additions by exchange with sister states.*

2 copies laws of New Hampshire for	1827-8,	<i>binding.</i> \$1 00
1 do. do. Alabama,	1825,	50
2 do. do. do.	1827,	1 00

---

2 50

		Cost of binding,	\$24 00
1 copy laws of Pennsylvania, for	1820,	50	
1 do. Main	1826,	50	
1 do. Virginia	1827,	50	
1 do. South Carolina	1818,	50	
1 do. North Carolina	1825,	50	
2 do. Massachusetts	1816,	1 00	
1 do. do.	1817,	50	
1 do. do.	1824,	59	
2 do. Mississippi	1827,	1 00	
1 do. Massachusetts	1827,	50	
2 do. Illinois	1825,	1 00	
1 do. Ohio	1820,	50	
1 do. do.	1822,	50	
1 do. do.	1825,	50	
2 do. Connecticut	1824,	1 00	
4 do. New York	1827,	2 00	
3 do. do.	1828,	1 50	
3 do. New Jersey	1824,	1 50	
3 do. do.	1827,	1 50	
4 do. Pennsylvania,	1828,	2 00	
1 do. Delaware,	1827,	50	
2 do. do.	1829,	1 00	
1 do. Virginia,	1829,	50	
1 do. Maryland,	1828,	50	
3 do. Tennessee,	1827,	1 50	
3 do. Massachusetts,	1828,	1 50	
1 do. Vermont,	1827,	50	
1 do. Mississippi,	1828,	50	
2 do. Alabama,	1828,	1 00	
1 do. Georgia,	1827,	50	26 00

3 do. Illinois,	1829,	bound when rec'd.
1 do. Pennsylvania,	1827,	do.
1 do. Maryland,	1827,	do.
1 do. Louisiana,	1827,	do.
1 do. do.	1828,	do.
1 do. do.	1829,	do.



1	do.	Kentucky,	1827,	do.	
2	do.	do.	1828,	do.	
2	do.	do.	1829,	do.	
Cost of binding carried forward,					50 00
1	copy of	laws Alabama, for 1827,	cost of half binding,	25	
1	do.	do. Connecticut, 1825, 6 & 7.	do.	25	
2	do.	do. S. Carolina, 1828,	do.	50	
2	do.	do. N Carolina. 1828,	do.	50	
1	do.	do. do. 1829,	do.	25	
1	do.	do. Mississippi, 1827,	do.	25	
1	do.	do. do. 1829,	do.	25	
2	do.	do. Missouri, 1827,	do.	50	
3	do.	do. do. 1829,	do.	75	
1	do.	do. Maine, 1829,	do.	25	
1	copy of	the Massachusetts rail road report, 1829,			
		by the hands of Governor Ray, binding		50	
					<hr/> 4 25
Added by donation from the general government, land laws of the United States, by the hands of J. F. D. Lanier, Esq. clerk of the house of representatives, 1 volume, binding					50 50
3	sets of	executive journals of the United States, by the hands of Governor Ray, 9 vols.			
2	sets of	the reports on the finances of the U. States, by the hands of Gov. Ray.			
3	copies of	Jefferson's Manuel, by the same,			
Total cost of binding,					<hr/> \$54 75
Respectfully submitted,					

JAMES MORRISON.

HON. MILTON STAPP,

Pres't. of the Senate.

Which report was read.

*Ordered,* That it be referred to the select committee, to whom the subject of the public library has already been committed.

And the senate adjourned, to Monday morning, nine o'clock.

MONDAY, DECEMBER 21st, 1828.

The Senate assembled.

Mr. Ewing presented the petition of James Ball, Samuel J. Kelso, John Murphy and others, of the town of Washington, in Daviess county, praying the passage of a law, to vacate a part of the town of Washington: which was read.

On motion,

*Ordered*, That it be referred to a select committee, consisting of Messrs. Ewing, Clendenin and Robb.

Mr. Lomax presented the petition of Isaiah Osborn, George Swain and others, praying the location of a state road from Richmond in Wayne county to Logansport in Cass county: which was read.

On motion,

*Ordered*, That it lie on the table.

Mr. Givens, from the committee on elections—now reported

A joint resolution, proposing an amendment to the constitution of the United States, on the subject of the presidential term extending to six years, without further eligibility, entitled “a joint resolution of the general assembly:”

Which was read.

*Ordered*, That it pass to a second reading.

Mr. Stevens, from the committee on the judiciary, to whom was referred the petition of Abraham Charles, one of the heirs of John Charles, deceased, and Samuel Charles, guardian to the infant heirs of said John Charles, deceased, praying for the passage of a special law, to authorise the said petitioners to sell the real estate of said minors—reported,

That they have had said petition under consideration, and that they have also examined the law, respecting the duties and powers of guardians, and the authority given, to make partition on sale of real estate, and they find those laws clear, explicit and satisfactory to the committee, and sufficiently broad to answer the purposes intended, and that further legislation on those subjects is not necessary. The only evil complained of by the petitioners is, that they reside in the county of Wayne, and that the lands they wish to sell, lie in the county of Hendricks, and that the circuit court of the county of Wayne has no jurisdiction of the case, and that therefore, they wish a special law, to authorise them to sell without the adjudication of a court. The committee do not believe, that it is either constitutional or politic, to pass special acts to divest minors or others of their legal rights, and take from the

proper constituted tribunals, the adjudication of cases within their legitimate powers, unless it were in an extraordinary case where great injustice must otherwise be done. Such a case is not now presented. The committee, therefore, recommend the adoption of the following resolution, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted: which was read.

*Ordered*, That it be laid on the table.

Mr. Stevens, from the committee on the judiciary, to whom was referred a resolution of the senate, directing them to inquire into the expediency of passing an act, providing that the counties shall respectively pay out of their respective county treasuries, all fees due to sheriffs, clerks, constables, justices of the peace, witnesses, and others, in all criminal prosecutions, where the prosecution fails by the acquittal of the defendant or otherwise, and also, in all cases of conviction where the defendant is unable to pay the fees—report,

That they have had that resolution under their consideration, and are of opinion, that the enactments proposed in the resolution referred to them, would be impolitic, and would tend to the bankruptcy of every county in the state. The committee are at a loss to know why the counties are *supposed* to be respectively liable, or why they should be made liable for the payment of fees in prosecutions, to which they are not either directly or indirectly a party. All prosecutions are in the name of the state, and if such fees as those referred to in the resolution, are to be paid, every rule of reason requires the state to pay the same. But by the laws as they now stand, the state is not liable to pay such fees, and the committee is satisfied with those laws, and deem it inexpedient to make any change.

The committee is not ignorant of the fact, that those officers perform much service for the state, in criminal prosecutions, for which they get no pay, but that is part of the contract between them and the people, when they accept the office. Those offices are all known to be thus encumbered, and every man takes them subject thereto. The sheriff and clerk are allowed by law, an annual payment out of the treasury of their respective counties, in full for all criminal prosecutions wherein they loose their fees, and in full for all services rendered the state or county, for which no fee is allowed, which ought to be satisfactory to them.

The committee believing that no legislation on the subject is necessary, ask to be discharged.

Which was read.

*Ordered*, That the committee be discharged.

Mr. Linton, from the committee on the judiciary, to whom was referred that part of the governor's message which relates to the colonization of the free blacks dispersed through our country, and a resolution of the senate, directing an inquiry into the propriety of memorializing congress to authorise the president of the United States, to place at the disposition of the American colonization society, such portion of the armed vessels of the United States, equiped and provisioned, as the protection of the commerce of the Union, and the purposes of improvement in that arm of our national defence will warrant, and such other and further aid, as the congress may think proper—reported,

A joint resolution on that subject, entitled “a joint resolution, memorializing congress upon the subject of colonizing the free people of colour:”

Which was read.

*Ordered*, That it pass to a second reading.

Mr. Ewing, from the committee on canals and internal improvements, to whom was referred a resolution, requesting an inquiry into the propriety of directing our board of canal commissioners to ascertain the practicability of connecting the Wabash and Erie canal with White river, and thence on a line to the river Ohio, have had the subject under consideration—and report,

That although the accomplishment of the contemplated object is fondly cherished, and its practicability, (as matter of opinion,) not doubted; nor are the preparatory steps thought to be premature, except in relation to our existing resources, and the more certain and necessary undertakings, which now call for the undivided means of the state: yet, with an impression, that it would be inexpedient, at present, to divert the attention of our board of canal commissioners, from the main work, upon which this board has been engaged, and are now about to commence operations; and believing the desired information extremely important in a national point of view; Your committee have agreed to present a measure, which promises the most certain, and it is thought the most successful result. In reporting and recommending this measure, however, your committee keep also in view, the vast state interests concerned in the now immense and annually increasing productions of the country through which the rivers and contemplated canal pass, and view the joint resolution herewith, asking of the United States the services of a corps of engineers to examine and survey White river, and the east and west forks thereof, and to examine and survey a practicable canal route.

to connect the Wabash and Erie canal with the Ohio river, as decidedly the most advisable course at present.

And the said joint resolution was read.

*Ordered*, That it pass to a second reading.

Mr. Linton, from the select committee, to whom was referred so much of the governor's message, as relates to the national road—now reported,

A memorial of the general assembly of the state of Indiana, upon the subject of continuing the construction of the Cumberland road: which was read.

*Ordered*, That it pass to a second reading.

On motion by Mr. Lemon,

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of so amending the law, regulating the taking up of estrays, so as to authorise the taker up, to exercise ownership over the same, after the expiration of ——— years.

On motion by Mr. Graham,

*Resolved*, That the committee on the affairs of Indianapolis, be instructed to inquire into the expediency of making an appropriation out of the Indianapolis fund, sufficient to purchase a fire engine; and if the committee do deem it expedient, that they report a bill to the senate, providing for the incorporation of a fire company; at the town of Indianapolis, with such powers and privileges, as may be necessary to enable them to preserve property in said town, (public as well as private,) from accidents by fire.

Mr. Morgan offered for consideration and adoption, the following resolution:

*Resolved*, That the committee on canals and internal improvements, be instructed to inquire into the expediency of authorising the officers of the land office at Fort Wayne, to sell the lands granted by the United States to this state, for canal purposes.

Which being read,

Mr. Orr proposed to amend the same, by striking therefrom, the following words, viz: "the officers of the land office at Fort Wayne," and insert in lieu thereof, the following words, viz: "an agent to hold his office at the town of Lafayette:"

And previons to taking any question on the proposed amendment to the resolution,

Mr. Linton offered the following amendment to the proposed amendment, "or authorising the canal commissioners to make sale and hold their office at Logansport or the Treaty ground."

Which amendment to the proposed amendment, was adopted.

The resolution being then amended to read as follows, to wit:

*Resolved*, That the committee on canals and internal improvements, be instructed to inquire into the expediency of authorising an agent to hold his office at Lafayette, or authorising the canal commissioners to make the sale and hold their office at Logansport or the treaty ground, to sell the lands granted by the United States to this state for canals purposes;" was read.

And on the question, shall this resolution, as amended, be adopted?

It was determined in the negative.

Mr. Fletcher, on leave granted, introduced a bill, amendatory to the act, entitled an act, for the relief of the poor—approved 30th January, 1824:

Which was twice read by common consent.

*Ordered*, That it be referred to the same committee, to whom was referred so much of the governor's message, as relates to asylums.

Mr. Depauw, offered for considerations, a joint resolution on the subject of the amendment of the constitution of the United States; which the president decided to be out of order, inasmuch as a resolution, the same in substance, had already been presented on that subject.

The bill to regulate the mode of doing county business in the several counties in this state;

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill to extend the right of suffrage to the election of county treasurers and collectors;

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill relative to the election of representatives in congress;

Was read a second time.

And on the question, shall this bill be engrossed and pass to a third reading?

It was determined in the negative—ayes 2, noes 20.

The ayes and noes being demanded by two senators,

*Those who voted in the affirmative were,*

Messrs. Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Worth.

The bill to amend an act, entitled an act, to amend an act, for the incorporation of county libraries—approved February 7th, 1825;

Was read a second time.

*Ordered,* That it be engrossed and pass to a third reading.

The bill, supplemental to an act, entitled an act, relative to crime and punishment—approved 20th January, 1824;

Was read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives, supplemental to an act, entitled an act, to establish a state road from Leavenworth, by the way of Bono, to Indianapolis:

Was read a second time.

*Ordered,* That it be committed to the committee on roads, to consider and report thereon.

The engrossed bill, from the house of representatives, entitled an act, to relocate part of the state road from Vincennes to Spencer, in Owen county;

Was read a second time.

*Ordered,* That it pass to a third reading.

The engrossed bill from the house representatives, to incorporate the Crawfordsville seminary;

Was read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives, to amend an act, entitled an act, organizing the supreme court, and defining its powers and duties—approved January 2, 1824;

Was read a second time.

*Ordered,* That it pass to a third reading.

The engrossed bill, to repeal an act, entitled an act, to incorporate the townships of Shelby county;

Was read a second time: when,

Mr. Gregory proposed the following amendment, to wit:

And the clerks of the several townships in said county be,

and they are hereby authorised and required to deposit on or before the first Monday in May, a true copy of the several road districts in their proper townships, that may have been established by the boards of trustees, and the same shall not be changed except by an order of the board of county commissioners;

Which was read, and adopted.

*Ordered*, That it be engrossed, and with the bill, pass to a third reading.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

Mr. Maxwell from the joint committee on enrolled bills, now reported that they have compared the enrolled, with the engrossed bill, entitled "an act to relocate a part of the state road leading from the Ohio line by Abington and Waterloo, to Connersville, and find the same truly enrolled.

The engrossed bill from the house of representatives entitled "an act concerning claims in the county of Henry," was read a second time, and amended by common consent.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, entitled an act, amendatory to an act entitled an act, authorising the leasing of Royce's and Rock lick reserves, in the county of Washington, approved January 7th, 1828:

Which was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives, entitled "an act legalizing the proceedings of the board of justices of Pike county;"

Was read a second time.

*Ordered*, That it pass to a third reading.

The bill to provide for taking the enumeration of the white male inhabitants, above the age of twenty-one years in this state,

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill to amend an act entitled "an act to authorise the sale of the school lands and for other purposes, approved, January 23d, 1829;

Which was read a second time.



*Ordered*, That it be committed to a committee of the whole senate.

The bill providing for the location, opening and improvement of certain state roads;

Was read a second time.

*Ordered*, That it lie on the table.

The engrossed bill from the house of representatives to incorporate the Rising Sun seminary, was read a second time, amended by common consent of the senate.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives explaining and regulating jurisdiction:

Was read a second time: amended in some of its details.

*Ordered*, That it pass to a third reading.

The bill to provide for the removal of obstructions to the navigation of Eel river:

Was read a second time.

*Ordered*, That it be engrossed and pass to a third reading.

The bill appointing commissioners to relocate the seat of justice of Dubois county:

Was read a second time, and amended by common consent.

*Ordered*, That it be engrossed and pass to a third reading.

The engrossed joint resolution on the subject of distributing the laws and journals of the last session of the general assembly:

Was read a third time.

*Resolved*, That this joint resolution pass, and that the title thereof be,

“An engrossed joint resolution on the subject of distributing the laws and journals of the last session of the general assembly.”

The engrossed bill to amend an act entitled an act subjecting real and personal estate to execution, approved, January 30th, 1824:

Was read a third time.

*Resolved*, That this bill pass: ayes 13, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were.*

Messrs. Blair, Clendenin, Daniel, Depauw, Ewing, Fletcher, Graham, Linton, Maxwell, M'Kinney, Robb, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Claypool, Givens, Gregory, Lemon, Lomax, Morgan, Orr, Sering, Worth.

*Resolved,* That the title thereof be, an act to amend an act, entitled "an act subjecting real and personal estate to execution, approved January 30th, 1824."

The engrossed bill from the house of representatives entitled an act to amend an act to provide for incorporating a county seminary in the county of Clark, approved, January 26th, 1827, was read a third time.

*Resolved,* That this bill pass.

*Ordered,* That the assistant secretary inform the house of representatives of the passage of the two last mentioned bills, and request concurrence in the first mentioned bill.

On motion by Mr. Worth,

The joint resolution laid on the table the 17th inst. entitled "an engrossed joint resolution to declare, establish, ratify and confirm with one fundamental condition, the compact entered into between Wyllys Sillman commissioner on the part of the state of Ohio, and Jeremiah Sullivan commissioner on the part of the state of Indiana, &c." was taken up, again read; when,

Mr. Fletcher moved to recommit it to the committee on canals and internal improvements, with instructions to amend the same so as to ratify the treaty on the part of the state of Indiana, which has been made by our commissioner Jeremiah Sullivan.

And on the question, shall it be recommitted with those instructions?

It was determined in the negative—ayes 3, noes 19.

The ayes and noes having been demanded by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Fletcher, Stevens.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Watts, Worth.

Mr. Graham then moved to recommit the joint resolution, to the committee on canals and internal improvements with instructions to amend the same by striking out the second resolution, which reads in the following words, viz: ,

*And it is hereby further Resolved by the General Assembly of the state of Indiana,* That the state of Indiana regards with deep

solicitude the speedy, and simultaneous progress of the eastern and southern section of the Wabash and Erie canal, and with reliance and confidence in the liberal and enlightened policy of her sister Ohio, would most anxiously ask for such a modification of the compact to be adopted as will insure this object within the period of ten years.

And on the question, shall the joint resolution be committed with those instructions?

It was determined in the negative—ayes 10, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Daniel, Depauw, Givens, Graham, Lemon, Lomax, Morgan, Robb, Stevens.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Gregory, Linton, Maxwell, M'Kinney, Orr, Sering, Watts, Worth.

And on the question, shall this joint resolution pass?

It was determined in the affirmative—ayes 15, noes 7.

The ayes and noes being demanded by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Graham, Gregory, Linton, Maxwell, M'Kinney, Orr, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Clendenin, Daniel, Depauw, Givens, Lemon, Lomax, Morgan.

So it was

*Resolved*, That this joint resolution pass, and the title thereof be,

“A joint resolution to declare, establish, ratify and confirm, with one fundamental condition, the compact entered into between Wyllys Silliman, commissioner on the part of the state of Ohio, and Jeremiah Sullivan, commissioner on the part of the state of Indiana.”

*Ordered*, That the assistant secretary inform the house of representatives of the passage of this joint resolution, and request concurrence.

And the senate adjourned.

TUESDAY, DECEMBER 22, 1829.

The Senate assembled.

Mr. Blair presented sundry petitions of citizens of Fountain county, praying the relocation of the seat of justice of said county, with accompanying certificates:

Which were read.

On motion,

*Ordered*, That they be referred to a select committee, consisting of Messrs. Blair, Linton and Orr.

Mr. Clendenin presented the petition of James Lynd, Henry Crum and others, praying the passage of a law, prohibiting the further migration of persons of color to the state of Indiana: which was read.

On motion,

*Ordered*, That it be referred to the judiciary committee.

Mr. Stevens, from the committee on the judiciary, to whom was referred so much of the governor's message, as is in these words, to wit:

"The task of preparing a civil code of laws for the state, has been commenced, but owing to a press of private and official business, the labors of a single individual, have not yet been able to place the work in as great a state of forwardness as might be wished. Without an amanuensis, or assistant, it is believed that the code will be completed before the present executive retires from his office. With one, its progress might be greatly accelerated. The necessity for some additional system of laws will soon be felt. And a code, which shall furnish the community with law, to enable the people to transact their *ordinary affairs*, without the common expense, trouble or necessity of taking the lawyer's counsel, is one of the reforms loudly called for, in our civil polity. But a legislature of *disinterested* members will be *essential* to success, This the people can give."—report,

That they have had that part of said message, under consideration, and that they unanimously agree with his Excellency, in believing that a "*code which shall furnish the community with law, to enable the people to transact their ordinary affairs, without common expense, trouble or necessity of taking the lawyer's counsel is one of the reforms loudly called for:*" and that they look forward with the most pleasing anticipations to the time, when his Excellency's code shall be completed, for the consummation of all their desires, on that subject. In the year 1827, his Excellency informed the general assembly, that "*anticipating*

*the necessity which must arise," that it was his intention "to present to the legislature a code of laws, both civil and criminal," and that in taking that step, the "responsibility and cost," would be upon him, and that in so doing, he could not be charged with intending to dictate, inasmuch as the constitution gave this power to the governor. His Excellency now informs us that he has commenced this code, and that either with or without an "amanuensis," it will be completed before he retires from office; the committee, therefore, most confidently believe that his Excellency will complete the work which he has commenced, and that our laws will thereby be so "epitomized that a single sentence will give that information, relative to the common transactions of the world, which the labor of a week in books would not so clearly establish," and the "governed" will be enabled to "know what the law is, without trouble, expense, or the assistance of a lawyer." But notwithstanding his Excellency will, in all probability, complete his labours by the next session of the general assembly, yet the whole benefit thereof may be lost to the community, the laudable designs of his Excellency defeated, and the reform which is "loudly called for" by the people, and which will be thus presented to them, may be prostrated forever, unless there should be a "legislature of disinterested members." The people, however, have it in their power to give a "disinterested" legislature, and it is fondly hoped that they will not so far forget their dearest rights, as to neglect so sacred a duty.*

As it regards the employment of an amanuensis for his Excellency, the committee are not inclined to make any appropriation for that purpose at this time. His Excellency, in 1827, informed the people that the "expense and responsibility," would be on him and they are looking for the fulfilment of that promise, and any interference on the part of the legislature, with the scheme as presented by his Excellency, would, in all probability, meet the decided disapprobation of the people. The committee, however, believe that the liberality of the people may be implicitly relied on, and that if the "code" should meet their expectations, his Excellency will be amply rewarded in due time.

From this view of the subject, the committee deem legislation, at this time, unnecessary, and therefore ask to be discharged from the further consideration of that part of his Excellency's message;

Which was read: and

Mr. M'Kinney moved, that the said report be laid upon the table:

Which motion did not prevail.

*Ordered*, That the committee be discharged from the further consideration of that subject.

Mr. Gregory, from the standing committee on roads, to whom had been referred, the engrossed bill from the house of representatives, entitled "an act, for the alteration of a certain state road therein named—now reported, the bill to the senate, without amendment.

*Ordered*, That it pass to a third reading.

On motion by Mr. Morgan,

*Ordered*, That the report of the committee on roads, to whom had been referred, the bill, to establish a state road from Lake Michigan by the way of Indianapolis to the Ohio river; and which with the bill, was laid on the table on the 14th instant, be now taken up.

The report was now again read: when,

Mr. Maxwell moved to fill up the blanks, by adding after the word "from," the words, "to Martinsville, thence to Bloomington, thence to Bedford, thence to Paoli, and thence to Levenworth on the Ohio river;" the object of which proposed amendment was to establish the said road, from Indianapolis to Martinsville, thence to Bloomington, thence to Bedford, thence to Paoli, and thence to Levenworth on the Ohio river:

And on the question, shall the report be so amended?

It was determined in the negative—ayes 8, noes 15.

The ayes and noes being requested by two senators;

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Daniel, Depauw, Ewing, Givens, Maxwell, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Fletcher, Graham, Gregory, Lane, Lemon, Linton, Lomax, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

Mr. Graham, then moved to amend the report, by filling up the blank in the report, as follows, to wit: "to Columbus in the county of Bartholomew, and from thence to Jeffersonville, in the county of Clark."

Mr. Sering called for a division of the question:

And the question being first put on "Columbus;"

It was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Depauw, Givens, Graham, Lane, Lemon, Linton, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Clendenin, Daniel, Ewing, Fletcher, Gregory, Lomax, Maxwell, M'Kinney, Morgan, Stevens, Watts.

So it was determined in the affirmative—thereby filling the first blank in the report, with the words, “to Columbus;”

And the effect of which amendment was, to establish “Columbus” a point on said road, and leaving the ulterior point blank.

Mr. Graham then moved to fill the second blank with the word, “Jeffersonville,” the effect of which amendment, would be to fix the point of termination of said road, at Jeffersonville, in Clark county.

Which motion was determined in the negative—ayes 6, noes 17.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Givens, Graham, Lane, Lemon, Robb.

*Those who voted in negative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Ewing, Fletcher, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

Mr. Sering, then moved to amend the report by filling up the second blank after the word “Columbus,” with the words, “thence by way of Vernon in Jennings county, to the town of Madison, in Jefferson county on the Ohio river.”

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 10, noes 13.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Linton, Maxwell, M'Kinney, Orr, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Clendenin, Daniel, Depauw, Givens, Graham, Gregory, Lane, Lemon, Lomax, Morgan, Robb, Stevens, Watts.

Mr. Lemon then moved to amend the report by filling up the blank after the word “Columbus,” with the words “thence to the town of New Albany in the county of Floyd.”

And on the question, shall the report be so amended.

It was determined in the negative—ayes 8, noes 15.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Givens, Graham, Lane, Lemon, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendenin, Ewing, Fletcher, Gregory, Linton, Lomax, Mawell, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

Mr. Robb then moved to strike out of the original bill as reported by the committee the following words, to wit:

"From the said town of Indianapolis, along, in, and upon, the state road through the town of Shelbyville and Greensburgh to the town of Madison in the county of Jefferson."

Mr. Stevens then called for a division of the question, which was,

Shall Shelbyville and Greensburgh be stricken out; when,

Mr. Sering called for a subdivision of this question,

And on the question being first put, shall the word "Shelbyville" be stricken out?

It was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Depauw, Ewing, Graham, Lane, Lemon, Maxwell, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Fletcher, Givens, Gregory, Linton, Lomax, M'Kinney, Morgan, Stevens, Watts, Worth.

And the question being then put on the second subdivision, to wit:

Shall the word "Greensburgh" be struck out?

It was determined in the negative—ayes 11, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Depauw, Graham, Lane, Lemon, Maxwell, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Ewing, Fletcher, Givens, Gregory, Linton, Lomax, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.



The original question then recurring, shall these words be stricken out? to wit:

“From the said town of Indianapolis, along, in and upon, the state road through the town of Shelbyville and Greensburgh, to the town of Madison in the county of Jefferson.”

It was determined in the negative—ayes 11, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Daniel, Depauw, Ewing, Givens, Graham, Lane, Lemon, Maxwell, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Blair, Fletcher, Gregory, Linton, Lomax, M’Kinney, Morgan, Orr, Stevens, Watts, Worth.

Mr Stephens then moved, that the original bill entitled a bill to establish a state road from lake Michigan by way of Indianapolis to the Ohio river, as introduced by him, be engrossed and pass to a third reading.

And on the question, shall the bill be engrossed and pass to a third reading?

It was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Fletcher, Gregory, Linton, Lomax, M’Kinney, Morgan, Orr, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Clendenin, Daniel, Depauw, Ewing, Givens, Graham, Lane, Lemon, Maxwell, Robb, Sering.

Mr. Robb from the select committee to whom was referred the petition of James Ball and others, citizens of Daviess county praying the vacation of a certain part of a street in the town of Washington—now reported,

A bill to vacate the south end of second street, in the town of Washington in Daviess county:

Which was read.

*Ordered,* That it pass to a second reading.

The bill was then read a second time by unanimous consent.

*Ordered,* That it be engrossed and pass to a third reading.

Mr. Givens from the select committee to whom had been referred the petition of Paul Castleberry, praying compensation for certain services therein mentioned—now reported,

A bill for the benefit of Paul Castleberry:

Which was read.

*Ordered*, That it pass to a second reading.

Mr. Fletcher from the select committee to whom was referred the petition of Joseph Lefavour and others, praying the enactment of a law securing to mechanics and others, payment for their labour and materials expended in permanent improvements on real estate—reported,

A bill entitled a bill securing to mechanics and others, payment for their labour and materials expended in permanent improvements on real estate.

Which was read the first time.

*Ordered*, That it pass to a second reading.

Mr. Graham from the select committee, to whom was referred so much of the Governor's message as relates to the tariff, and also resolutions of the states of Georgia and Mississippi protesting against the constitutional right of congress to pass any tariff laws for the purpose of protecting domestic manufactures—reported,

That they have given the subject that consideration which its importance to the state, and their duty to the senate imperiously demanded of them, and they now ask leave to recommend the adoption of a preamble and joint resolution, which they herewith present to the senate, entitled,

"A joint resolution on the subject of the tariff:"

Which was read.

*Ordered*, That it pass to a second reading.

Mr. Lemon presented for consideration the following preamble and resolution:

WHEREAS, the people are the legitimate distributors of all power exercised by the government and of those who administer the same; and whereas the people have a right to change, alter, amend or new-model their government, without appointing delegates to meet in convention for that purpose, if any mode can be adopted, by which every citizen may have a voice, so that the will of a majority can be ascertained; therefore,

*Resolved*, That the committee on the judiciary be instructed to report a bill to the senate to give to the people at the next general election the privilege of voting at the polls on the following propositions to change and alter the constitution; first to give to the circuit court the power of trying and determining

impeachments in their respective counties upon, presentment by grand juries of all inferior officers, such as probate judges, clerks, sheriffs, coroners, recorders, justices of the peace &c. saving to the accused the right of trial by a petit jury; *second*, To alter the times of the setting of the legislature so as to require but one session every two years, instead of one every year, unless oftener convened by the executive of the state; and to number the propositions as here numbered, one and two, so that at the election aforesaid the people may vote for the one, and against the other, or for both as they may think proper; and at the next meeting of the legislature, on the second Monday thereof, the President of the senate, and the Speaker of the house of representatives in the presence of both houses shall count the votes for and against each proposed amendment; and if upon counting the votes, there shall appear to be a majority in favor of either or both proposed amendments, the one or both shall then be taken as a part of the constitution;

Which was not adopted—ayes 9, noes 13.

The ayes and noes being demanded by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Ewing, Givens, Gregory, Lemon, Lomax, M'Kinney and Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Depauw, Fletcher, Graham, Lane, Linton, Maxwell, Morgan, Orr, Sering, Stevens, Watts, and Worth.

And the Senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

Mr. Lemon offered the following resolution for consideration and adoption, to wit:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of providing by law for the improvement of streams that have not been declared navigable, so as to authorise the board doing county business, to have such streams opened and kept in repair the same as public roads and highways:

Which was read.

*Ordered*, That it be adopted.

S

On motion by Mr. Depauw,

The bill providing for the location, opening and improvement of certain state roads, which had been laid on the table on the 21st inst. was taken up, amended in sundry particulars by consent.

*Ordered*, That it be engrossed and pass to a third reading.

Mr. Maxwell on leave being granted, introduced a bill, appointing Asher Labertew agent of the reserved township of land in Monroe county and for other purposed:

Which was read.

*Ordered*, That it pass to a second reading.

The joint resolution on the subject of an amendment to the constitution of the United States,

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The joint memorial to the congress of the United States upon the subject of colonizing the free people of colour,

Was read a second time.

*Ordered*, That it be engrossed and pass to a third reading.

The memorial of the general assembly on the subject of continuing the construction of the Cumberland road,

Was read a second time.

*Ordered*, That it be engrossed and pass to a third reading.

The joint resolution to the congress of the United States on the subject of a corps of engineers:

Was read a second time.

*Ordered*, That it be engrossed and pass to a third reading.

The engrossed bill from the house of representatives, entitled an act explaining and regulating jurisdiction:

Was read a third time as amended.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, establishing a state road therein named, and for other purposes,

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives legalizing the proceedings of the board of justices of Pike county,

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, concerning claims in the county of Henry, as amended in senate,

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, to repeal an act to incorporate the townships of Shelby county, as amended in senate,

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives to incorporate the Rising Sun seminary society,

Was read a third time, as amended in senate.

*Resolved*, That this bill pass.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of those several bills and request concurrence in the several proposed amendments.

The engrossed bill from the house of representatives to amend an act entitled an act organizing the supreme court and defining its power and duties, approved, 2d January, 1824,

Was read a third time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill of the senate to provide for the removal of obstructions in Eel river,

Was read a third time, amended by common consent.

*Resolved*, That this bill pass, and that the title thereof be,

An act to provide for the removal of obstructions in the navigation of Eel river;

The engrossed bill appointing commissioners to relocate the seat of justice of Dubois county.

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act appointing commissioners to relocate the seat of justice of Dubois county.

The engrossed bill to amend an act, entitled an act for the incorporation of county libraries, approved, February 7th, 1825,

Was read a third time.

*Resolved*, That this bill pass and that the title thereof be,

An act to amend an act entitled, an act for the incorporation of county libraries, approved, February 7th, 1825.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the three last mentioned bills, and request concurrence.

The senate according to order, resolved itself into committee of the whole, on the engrossed bill from the house of representatives, to amend an act entitled an act authorising the leasing of Royce's and Rocklick reserves, in the county of Washington, approved, February 7, 1827: Mr. Ewing in the chair, when

after some time spent thereon, the committee rose, the President resumed the chair, when, Mr. Chairman reported the bill to the senate with one amendment, which was by striking it out from the enacting clause.

*Ordered*, That it be concurred in.

On motion by Mr. Depauw,

*Ordered*, That the bill lie on the table.

The following message was received from the house of representatives by Mr. Hannegin, their enrolling clerk, to wit:

MR. PRESIDENT:

The Speaker of the house of representatives having signed an act to relocate a part of the state road leading from the Ohio line by Abington and Waterloo, to Connersville.

A joint resolution relative to the western mail stage route from Louisville in Kentucky to St. Louis in Missouri; also:

An act to amend the act entitled "an act to provide for incorporating a county seminary in the county of Clark, approved, January 26, 1827;"

I am directed to bring the same up to the senate for the signature of their President.

The said enrolled bills were then signed by the President and handed to the committee on enrolled bills to be laid before the Governor for his approval and signature.

The senate according to order, resolved itself into committee of the whole, on the bill to amend an act entitled an act to authorize the sale of the school lands and for other purposes, approved, January 23d, 1829; Mr. Fletcher in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and Mr. Chairman reported the bill to the senate, with progress made therein, and a request for leave to sit again.

*Ordered*, That leave be granted.

Mr. Maxwell from the joint committee on enrolled bills, now reported that they have compared the enrolled with the engrossed bill entitled "an act to amend the act entitled an act to provide for incorporating a county seminary in the county of Clark, approved, January 26th, 1827, and find the same truly enrolled.

And the Senate adjourned.

WEDNESDAY, DECEMBER 23, 1829.

The Senate assembled.

Mr. Blair presented the remonstrance of B. F. Wallace, Michael Keller, and sundry other citizens of Fountain county, against the passage of any law, authorising the removal of the seat of justice of that county:

Which was read.

*Ordered*, That it be referred to the same select committee, to whom was referred the petition and memorial on that subject, to consider and report thereon.

Mr. Ewing, from the committee on canals and internal improvements, to whom the subject had been referred—now introduced,

A joint resolution. on the subject of the canal lands, donated to Indiana by congress:

Which was read.

*Ordered*, That it pass to a second reading.

On motion by Mr. Orr,

*Resolved*, That the committee on roads, be instructed to enquire into the expediency of providing for the payment of unexpended balances, remaining in the hands of any commissioner on state roads, dismissed by former acts of this general assembly, to the agent of the three per cent. fund, or to their successor in office.

On motion by Mr. Fletcher,

*Resolved*, That the secretary of state be requested to furnish the names of those of our sister states and territories, which have presented Indiana with maps during the present year.

Mr. Watts, now offered the following protest of a part of the judiciary committee, to the report of the chairman of that committee on the subject of a code of revised laws, to wit:

The undersigned members of the committee on the judiciary disclaim all sanction to a report made yesterday morning, by S. C. Stevens, chairman of said committee, upon that portion of the governor's message, relating to a code. The said chairman was alone authorised to report legislation as inexpedient upon the subject of a code—he has assumed the right of accompanying such a report with arguments and language, never submitted by him to the committee, and which the undersigned do not approve or sanction. They therefore, protest against the power assumed by said S. C. Stevens, chairman of said committee, of committing the committee, by arguments and language, not approved of by it.

JOHN WATTS,  
J. T. McKINNEY.

The undersigned were not present at the meeting of the committee, when instructions to report upon the above subject were given to the chairman. They have, however, heard the report made by the chairman, and do not hesitate to declare their disapprobation of it.

JOHN DEPAUW,  
JOHN DANIEL:

Which was read, and ordered to be spread on the journals.

Whereupon,

The majority of said committee, who had made and sanctioned the report alluded to, in the said protest, presented a counter statement in writing, in these words, to wit:

"We, the undersigned, being a majority of the committee of the judiciary who ordered that report, do believe that the report was authorised by the committee, and the same reasoning was had before the committee, by most, if not all of its members, as is contained in the report, and was agreed to."

"CALVIN FLETCHER,  
"WM. C. LINTON,  
"S. C. STEVENS."

Which was read.

Ordered, That it be spread on the journals.

The joint resolution on the subject of the tariff, was read a second time.

Ordered, That it be committed to a committee of the whole senate.

The bill, appointing Asher Labertew agent of the reserved townships of land in Monroe county, and for other purposes:

Was read a second time.

Ordered, That it be engrossed and pass to a third reading.

The bill, for the benefit of Paul Casselberry:

Was read a second time.

Ordered, That it be engrossed and pass to a third reading.

The bill, securing to mechanics and others, payment for their labor and materials, expended in permanent improvements on real estate:

Was read a second time.

Ordered, That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives, entitled an act, supplemental to an act, entitled an act, to establish a state road from Levenworth, by the way of Bono, to Indianapolis:

Was read a third time.



*Resolved*, That this bill pass.

*Ordered*, That the assistant secretary inform the house of representatives thereof.

The engrossed bill of the senate, to vacate the south end of second street, in the town of Washington, Daviess county:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act, to vacate the south end of second street, in the town of Washington, Daviess county.

The engrossed bill, to provide for the location, opening and improvement of certain state roads:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act, to provide for the location, opening and improvement of certain state roads.

The engrossed memorial of the general assembly of the state of Indiana, upon the subject of continuing the construction of the Cumberland road:

Was read a third time.

*Resolved*, That this memorial pass, and that the title thereof be,

A memorial of the general assembly of the state of Indiana, upon the subject of continuing the construction of the Cumberland road.

The engrossed joint resolution, memorializing congress upon the subject of colonizing the free people of colour:

Was read a third time.

*Resolved*, That this joint resolution pass, and that the title thereof be,

A joint resolution, memorializing congress upon the subject of colonizing the free people of colour.

The engrossed joint resolution to the congress of the United States, requesting a corps of Engineers to examine and survey White river, and the east and west forks thereof, and to examine, and if found practicable, survey a canal route, to connect the Wabash and Erie canal with the Ohio river:

Was read a third time.

*Resolved*, That this joint resolution pass, and the title thereof be,

A joint resolution, to the congress of the United States, requesting a corps of Engineers to examine and survey White river, and the east and west forks thereof, and to examine, and if found practicable, survey a canal route, to connect the Wabash and Erie canal with the Ohio river.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the foregoing bill, memorial, and joint resolution, and request concurrence.

The engrossed bill to establish a state road from Lake Michigan, by the way of Indianapolis to the Ohio river:

Was read a third time. And

On motion by Mr. Lemon,

*Ordered*, That it lie on the table.

The senate again, according to order, resolved itself into committee of the whole, on the bill to amend an act, to authorise the sale of the school lands, and for other purposes—approved, January 23d, 1829—Mr. Fletcher in the chair; when after some time spent thereon, the committee rose; the President resumed the chair, and the Chairman reported to the senate, that the committee of the whole senate have, according to order, had the bill under consideration, have made some progress therein, and have by consent, risen, and instructed him to ask leave to sit again.

*Ordered*, That the committee of the whole senate have leave to sit again on this bill,

The following message was received from the house of representatives, by Mr. Sheets, their assistant clerk, to wit:

MR. PRESIDENT:

The house of representatives concur in the amendment proposed by the senate, to engrossed bills of the house, of the following titles:

An act, to repeal an act, entitled an act, to incorporate the townships in Shelby county.

An act, concerning claims in the county of Henry.

An act, to incorporate the Rising Sun seminary society.

An act, explaining and regulating jurisdiction.

The first with an amendment, in which the concurrence of the senate is requested.

And the Senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

The senate now proceeded to the consideration of the amendment proposed by the house of representatives, to the amendment proposed in senate, to the engrossed bill of the house of representatives, entitled

“An act, to repeal an act, entitled an act, to incorporate the townships of Shelby county.”

And the same having been read, was concurred in.

*Ordered*, That the secretary inform the house of representatives thereof.

The senate, again according to order, resolved itself into committee of the whole, on the bill to amend an act, entitled an act to authorize the sale of school lands, and for other purposes, approved January 23, 1829; Mr. Givens in the chair, when, after some time spent thereon, the committee rose—the President resumed the chair, and Mr. Chairman reported the bill to the senate with sundry amendments, which were read separately at the secretary's table, and the first amendment made in committee of the whole, was concurred in; when, upon the question of concurrence in the second amendment, which was, by striking out the 4th section thereof, which reads in the following words:

"Sec. 4th. In all cases, where the inhabitants of any congressional township, shall have met, or may hereafter meet, for the purposes mentioned in the second section of the act, to which this is amendatory, and shall fail to determine (for want of a majority of the qualified voters of such township being present,) whether they will sell their reserved section or not, it shall be lawful for any five of the freeholders of such township to advertise a new election in conformity with the provisions of the aforesaid second section of the act aforesaid, and at such election to determine by a majority of the votes that shall be given by the persons present, legally qualified to vote, whether the reserved section in said township, shall or shall not be sold: *Provided*, that no such election shall be holden, or decision had, unless twenty of the legal voters of such township be present and vote:"

It was determined in the affirmative—ayes 16, noes 6.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Clendenin, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Lemon, Linton, M'Kinney, Orr, Robb, Sering, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Claypool, Gregory, Lomax, Maxwell, Morgan, Worth.

The third amendment made in committee of the whole, which was by inserting the following in lieu of the 4th section, to wit:

"Sec. 4. No sale shall be made of any school lands, unless a majority of all the qualified voters in the township where the land lies, shall vote in favor of a sale:"

Was then read.

And on the question of concurrence in this amendment,

It was determined in the affirmative—ayes 14, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Clendenin, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Lemon, Maxwell, M'Kinney, Orr, Robb, Stevens.

*Those who voted in the negative, were,*

Messrs. Claypool, Gregory, Linton, Loma x, Morgan, Sering, Watts, Worth.

The fourth amendment was then read and concurred in.

*Ordered,* That it be engrossed and pass to a third reading.

The senate according to order resolved itself into committee of the whole on the bill to provide for the public printing and for other purposes; Mr. Lemon in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and Mr. Chairman reported the bill to the senate with sundry amendments.

Which were read and concurred in.

*Ordered,* That it be engrossed, and pass to a third reading.

The President laid before the senate the following communication from the Secretary of State, to wit:

SECRETARY'S OFFICE, }  
December 23, 1829. }

HON. MILTON STAPP,

*President of the Senate:*

SIR—In answer to the call of the senate, upon the secretary of state, "to furnish the names of those of our sister states and territories, which have presented Indiana with maps during the present year," I can only say, that none have been received at this department. It may be proper to remark, that the acts, &c. of sister states are not commonly addressed to the secretary of state—one copy of the acts of New Hampshire was so addressed and received the present year—the others as repor-

ted to have been received in exchange, were received through Governor Ray.

I am, sir,

Very respectfully,

Your obedient servant,

JAMES MORRISON:

Which was read.

*Ordered*, That it lie on the table.

The senate according to order, resolved itself into committee of the whole, on the bill, to amend an act, to organize probate courts, and defining the powers and duties of executors and administrators, approved, January 23d, 1829; Mr. Linton in the chair, when, after some time spent thereon, the President resumed the chair, and the Chairman reported the same to the senate with amendments:

Which were read and concurred in.

*Ordered*, That it be engrossed, and pass to a third reading.

And the senate adjourned.

## THURSDAY, DECEMBER 24, 1829.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

"An act to establish a state road from Middletown, in Shelby county, via Moscow, in Rush county, to intersect the Brookville state road, at or near Erasmus Aldredge's."

"An act repealing the act respecting certain public property in the county of Spencer, approved, January 14th, 1824."

"An act supplemental to an act entitled, 'an act to provide for a more certain return of votes for Governor and Lieutenant Governor, approved, December 31st, 1825.'"

"An act to amend the act entitled, 'an act to amend an act to establish a State Library, approved, February 4th, 1825.'"

The house has also passed engrossed joint resolutions of the following titles, viz:

"A joint resolution relative to the Cumberland hospital;" and.

"A joint resolution concerning graduating the price of public lands and donating the refuse to actual settlers;"

In which acts and joint resolutions I am directed to ask the concurrence of the senate.

The engrossed bills and joint resolutions last reported from the house of representatives for concurrence, were read a first time.

*Ordered*, That they pass to a second reading.

Mr. Gregory presented the petition of James Ball of Daviess county, praying compensation for building a bridge over Smother's creek;

Which with the accompanying documents was read.

*Ordered*, That it be referred to the committee on roads to consider and report thereon.

On motion by Mr. Blair,

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of repealing so much of the act, entitled an act for regulating the militia of the state of Indiana or any act supplemental thereto as imposes a fine on non-commissioned officers and privates, for appearing on parade without musket, rifle or fuzee; and also to repeal so much of said acts, as requires more than one company and one regimental muster in each year.

On motion by Mr. Depauw,

*Resolved*, That the judiciary committee be instructed to enquire into the propriety and expediency of so amending or modifying the fifth section of the act entitled an act amendatory of the law and for the better advancement of justice, approved, January 20th, 1826, that the intention of the grantor or devisor of real estate shall, in making such grant or devise, be valid, except against the creditors of the said grantor or devise, so that the claim of all persons under such grant or devise, and who are expressly provided for in such grant or devise, shall be valid.

Mr. Depauw, on leave granted, introduced a memorial of the general assembly to the congress of the United States, for the benefit of certificate holders of forfeited lands, within the state of Indiana:

Which was read.

*Ordered*, That it pass to a second reading.

The joint resolution on the subject of canal lands donated to Indiana by congress:

Was read a second time.

*Ordered*, That it be engrossed and pass to a third reading.

The engrossed bill to amend an act entitled an act to autho-

rise the sale of the school lands and for other purposes, approved, 23d January, 1829:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,  
 "An act to amend an act entitled an act to authorise the sale of the school lands and for other purposes, approved, January 23, 1829.

*Ordered*, That the assistant secretary inform the house of representatives thereof, and request concurrence therein.

The engrossed bill to amend an act to organize probate courts and define the powers and duties of executors and administrators, approved, 23d January, 1829:

Was read a third time.

*Ordered*, That it be recommitted to the judiciary committee.

The engrossed bill for the relief of Paul Castleberry, late commissioner on the state road leading from Fredonia to the mouth of the Wabash river:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act for the relief of Paul Castleberry, late commissioner on the state road leading from Fredonia to the mouth of the Wabash river;

The engrossed bill appointing Asher Labertew agent of the reserved township of land in Monroe county, and for other purposes:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act appointing Asher Labertew agent of the reserved township of land in Monroe county, and for other purposes.

The engrossed bill to provide for the public printing, and for other purposes:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act to provide for the public printing and for other purposes.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the foregoing bills, and request concurrence.

Mr. Fletcher from the joint committee on enrolled bills, now reported, that they did on this day, present to the Governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to relocate a part of the state road leading from the Ohio line by Abington and Waterloo to Connersville.

An act to amend the act entitled an act to provide for incor-

porating a county seminary in the county of Clark, approved January 26th, 1827; and also,

A joint resolution relative to the western mail stage route, from Louisville Kentucky, to St. Louis, in Missouri.

The senate, according to order, resolved itself into committee of the whole, on the bill requiring the commissioners of the reserved lands in Gibson and Monroe counties to reduce the minimum price thereof; Mr. Lomax in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate with sundry amendments; which were read and concurred in.

Mr. Fletcher then moved the following amendment to said bill:

And the said lands shall be offered first at public sale, on the first Monday in May next, and shall continue such sale, three days if necessary, and after offering said lands as aforesaid, the said commissioner shall dispose of such lands remaining unsold at private sale, at not less than the minimum price, as provided by this act, and said commissioners shall give such notice of said sale as they may deem necessary.

Which motion did not prevail.

*Ordered*, That the bill be engrossed and pass to a third reading.

Mr. Maxwell, from the joint committee on enrolled bills, now reported that they have compared the following enrolled with the engrossed bills entitled acts, to wit:

An act explaining and regulating jurisdiction:

An act supplemental to an act, entitled an act, to establish a state road from Levenworth, by way of Bono, to Indianapolis;

An act legalizing the proceedings of the board of justices of Pike county;

An act to repeal an act entitled an act to incorporate the townships of Shelby county; and,

An act to establish a state road therein named, and for other purposes.

And find the same truly enrolled.

And the Senate adjourned.



*Two o'clock, P. M.*

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

"An act for the relief of Martha M'Bride;"

In which I am directed to ask the concurrence of the senate.

The Speaker of the house of representatives, having signed the following enrolled bills, entitled acts, viz:

An act legalizing the proceedings of the board of justices of Pike county;

An act supplemental to an act entitled an act to establish a state road from Levenworth by way of Bono to Indianapolis;

An act explaining and regulating jurisdiction;

An act to establish a state road therein named, and for other purposes; and,

An act to repeal an act, entitled an act, to incorporate the townships in Shelby county;

I am directed to bring the same up to the senate for the signature of their President.

The engrossed bill from the house of representatives, entitled an act for the relief Martha M'Bride:

Was read.

*Ordered*, That it pass to a second reading.

The bill was then read a second time, by common consent; when,

Mr. Lomax moved, that it be indefinitely postponed;

And on the question, shall this bill be indefinitely postponed?

It was determined in the negative—ayes 9, noes 12.

The ayes and noes being requested by two senators;

*Those who voted in the affirmative, were,*

Messrs. Claypool, Depauw, Givens, Lomax, M'Kinney, Morgan, Sering, Stevens, Watts,

*Those who voted in the negative, were,*

Messrs. Blair, Clendenin, Daniel, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Maxwell, Orr,

*Ordered*, That it pass to a third reading.

The several enrolled bills last reported from the house of representatives, to have been signed by the Speaker, were now signed by the President of the senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The senate, according to order, resolved itself into committee of the whole, on the bill to authorise the collector of the revenue of Jackson county, for 1829, to sell certain lands for the taxes due thereon; Mr. Morgan in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate, with sundry amendments, which were read in senate and concurred in.

*Ordered*, That it be engrossed and pass to a third reading.

The senate, according to order, resolved itself into committee of the whole, on the bill supplemental to an act entitled an act relative to crime and punishment, approved, January 2d, 1824; Mr. Orr in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate with an amendment,

Which was read—and,

*Ordered*, That it lie on the table.

Mr. Fletcher, from the joint committee on enrolled bills, now reported, that they have this day presented to the Governor for his approval and signature the following enrolled bills, entitled acts, to wit:

An act establishing a state road therein named and for other purposes;

A act explaining and regulating jurisdiction;

An act supplemental to an act entitled an act to establish a state road from Levenworth by the way of Bono to Indianapolis;

An act legalizing the proceedings of the board of justices, of Pike county; and,

An act to repeal an act entitled an act to incorporate the townships of Shelby county.

The following message was received from the house of representatives, by Mr. Sheets their assistant clerk:

MR. PRESIDENT:

The house of representatives, has passed engrossed bills of the following titles, viz:

An act for the incorporation of the Eugene academy;

An act to relocate a part of the state road leading from Madison to Lawrenceburgh;

An act concerning the state road from Indianapolis to Crawfordsville;

An act to amend the act entitled an act appointing commissioners to relocate the seat of justice of Lawrence county, approved, December 26th, 1828; and

An act authorising a re-assessment in Gibson county;

And joint resolutions of the following titles, viz:

An engrossed joint resolution relative to the Illinois grant; and,

An engrossed joint resolution, to fill a vacancy in the board of visitors, to the Indiana college;

In which several acts and joint resolutions, I am directed to ask the concurrence of the senate.

The house of representatives has passed an engrossed bill of the senate, entitled,

An act to vacate the south end of second street, in the town of Washington, in the county of Daviess; without amendment.

The engrossed bill for the incorporation of the Eugene academy:

Was read a first time.

Ordered, That it pass to a second reading.

And the Senate adjourned.

## FRIDAY, DECEMBER 25, 1829.

The Senate assembled.

And the orders of the day having been postponed,

The Senate adjourned to Saturday morning, nine o'clock.

## SATURDAY, DECEMBER 26, 1829.

The Senate assembled.

Mr. Orr presented the petition of James Dickens, Thomas Samuel and sundry other citizens, praying the relocation of the whole or part of the state road, which lies between Indianapolis and Rock Port:

Which was read, and with other petitions of a similar pur-

port, referred to the committee on roads, to consider and report thereon.

Mr. Sering presented the petition of James Hill and one hundred and seventy-five other citizens of Jefferson county, praying a change in a state road, leading from Madison to Lawrenceburgh:

Which was read, and referred to a select committee, composed of Messrs. Sering, Watts and Stevens, to consider and report thereon.

Mr. Stevens, from the committee on the judiciary, to whom was referred so much of the message of the governor, as relates to the Indian tribes within the jurisdiction of the state, and the right of the state to extend her laws over them—report,

That they have had the subject of extending the laws of the state over the Indian tribes within the limits and boundaries of the state, under consideration, and have bestowed much deliberation on it. The committee frankly acknowledge, that they have found it a vexatious question, and one that admits of some diversity of opinion, so far as policy and humanity is concerned; but as it regards the rights of the state as a free and independent sovereignty, there can be no well founded difference of opinion.

The position taken by the committee, may perhaps, at first, appear of at least doubtful policy; but they believe, that they are supported, not only by the law of nations and the undisputed rights of independent sovereignty, but also by the purest principles of policy and humanity.

Free and independent sovereignty has the exclusive right, within its limits and jurisdiction, to use the country for the supply of its necessities, and to derive from it such advantages as it is capable of yielding. It has an absolute right to supreme command, and to direct and control what ought to be done. It exercises justice, exacts allegiance, extends protection, takes cognizance of all crimes committed, and is the final arbiter of all differences that may arise throughout the whole extent of its territory. And all persons within its limits, are subject to its authority and laws, whether they be citizens or permanent resident strangers, or mere travellers, and it exercises control, not only over their persons, but also over their property, in every thing that relates to the common welfare. Citizens and permanent resident strangers and their property, are bound, not only to aid and support, but also to defend the sovereignty within whose jurisdiction they reside, and such sovereignty is bound to protect them in their individual liberties, rights, persons and property. Even a travelling stranger is bound by the general

and police laws of the sovereignty through which he travels, so far as they relate to the maintenance of good order and the rights of individuals, and is liable to be punished for a breach of them.

Indiana being an undisputed and acknowledged free, independent and sovereign state, the committee believe that the laws of nations, rights of sovereignty, sound policy, and the principles of humanity, require that the laws of the state should be the rule of civil conduct throughout the limits and jurisdiction thereof; and that all and all manner of persons resident therein, should be subject thereto, and be bound, not only to aid and support, but also to defend the same; and that in return, those persons should be protected in their individual liberties, rights, persons and property.

The committee believe these positions to be well founded, and as general principles, they are incontrovertable, but that in the application thereof to the Indian tribes, policy requires that due caution should be used. That the measures adopted, should be mild and progressive in their operation—that these Indians should first have due and timely notice—that unless they remove without our limits within a certain given time, that our laws will be extended over them, and they and their property, held subject thereto, either as citizens or as permanent resident strangers.

In accordance with the foregoing principles, the committee recommend to the senate, for their consideration, a joint resolution herewith presented, entitled

“A joint resolution of the general assembly of the state of Indiana, relative to the Indian tribes residing within the limits of said state.”

The joint resolution was read.

*Ordered*, That it pass to a second reading.

Mr. Clendenin, from the select committee, to whom the subject was referred—now reported,

A bill, to improve the navigation of Lost river and Lick creek, and for other purposes:

Which was read.

*Ordered*, That it pass to a second reading.

Mr. M’Kinney, from the select committee, to whom was referred that part of the governor’s message, relating to asylums—reported,

A bill, to provide seven asylums in the state, for reception of the poor.—Also, an act amendatory to the act, entitled an act, for the relief of the poor—approved, January 30th, 1824:

Which several bills were read.

*Ordered*, That the first mentioned bill pass to a second reading, and that the last mentioned bill lie on the table.

On motion by Mr. Claypool,

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of making it the duty of justices of the peace to issue a *capias ad satisfaciendum* in the first instance, without the delay and expense necessary, to obtain a return of no property found upon a *fieri facias*, giving to such writs of *capias ad satisfaciendum* the effect of a *fieri facias*, so as to authorise a levy and sale of goods and chattles thereon, if they be found—also to enquire into the expediency of making the same provision applicable to the collection of costs in criminal cases.

On motion by Mr. Gregory,

*Resolved*. That the judiciary committee be directed to enquire into the expediency of reporting a bill to the senate, to punish by fine or imprisonment, any person or persons, who may retail spiritous liquors to any Indian or Indians within the limits of this state.

Mr. Claypool, on leave granted, introduced a bill, more effectually providing for the sale of school lands, in certain counties therein named:

Which was read.

*Ordered*, That it pass to a second reading.

Mr. Depauw, on leave granted, introduced a joint memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of certain saline reserves:

Which was read.

*Ordered*, That it pass to a second reading.

Engrossed bills of the following titles, from the house of representatives, were severally read a first time, to wit.

An engrossed bill, to relocate part of the state road leading from Madison to Lawrenceburgh;

An engrossed bill, to amend an act, entitled an act, appointing commissioners to relocate the seat of justice of Lawrence county—approved, December 26th, 1829;

The engrossed bill, from the house of representatives, authorising a re-assessment in Gibson county;

The engrossed bill, from the house of representatives, concerning the state road from Indianapolis to Crawfordsville;

The engrossed joint resolution, relative to the Illinois grant;

And the engrossed joint resolution, to fill a vacancy in the board of visiters to the Indiana college.

*Ordered*, That they pass to a second reading.

The engrossed bill, from the house of representatives, to establish a state road from Middletown, in Shelby county, to Mos-

now in Rush county, to intersect the Brookville state road, at or near Erasmus Aldridge's:

Was read a second time.

*Ordered*, That it be referred to the committee on roads, to consider and report thereon.

The engrossed bill, to relocate a part of the state road from Madison to Lawrenceburgh:

Was read a second time.

*Ordered*, That it be referred to a select committee, composed Messrs. Sering, Watts and Stevens, to consider and report thereon.

The engrossed bill, from the house of representatives, to amend an act, entitled an act, to amend an act, to establish a state library—approved, February 4th, 1825:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill, from the house of representatives, repealing the act, respecting certain public property in the county of Spencer—approved, January 14th, 1824:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed joint resolution, from the house of representatives, relative to the Cumberland Hospital, was read.

*Ordered*, That it pass to a second reading.

The joint resolution, was then read a second time, by common consent.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill, from the house of representatives, for the incorporation of the Eugene academy:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed joint resolution, from the house of representatives, on the subject of graduating the price of the public lands, and donating the refuse to actual settlers: was read.

*Ordered*, That it pass to a second reading.

The resolution was then read a second time, by common consent.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives, supplemental to an act, entitled an act, to provide for a more certain return of votes for governor and lieutenant governor—approved, December 31, 1825:

Was read a second time.

*Ordered*, That it pass to a third reading.

The memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands within the state of Indiana:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, for the relief Martha M'Bride:

Was read a third time.

And on the question, shall this bill pass?

It was determined in the negative—ayes 7, noes 18.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Daniel, Graham, Lemon, Linton, Maxwell, Orr.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Depauw, Fletcher, Givens, Gregory, Lomax, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

The engrossed joint resolution, on the subject of canal lands, donated to the state of Indiana by congress:

Was read a third time.

*Resolved*, That this joint resolution pass, and that the title thereof be,

A joint resolution on the subject of canal lands, donated to Indiana by congress.

The engrossed bill to authorize the collector of the revenue of Jackson county for 1829, to sell certain lands for the taxes due thereon:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act, to authorize the collector of Jackson county for 1829, to sell certain lands for the taxes due thereon, and for other purposes.

The engrossed bill requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum price thereof:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act, requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum prices thereof.

*Ordered*, That the assistant secretary inform the house of re-



representatives of the passage of the joint resolution and two several acts, last mentioned, and request concurrence.

The engrossed bill to extend the right of suffrage to the election of county treasurers and collectors:

Was read a third time;

And on the question, shall this bill pass?

It was determined in the negative—ayes 5, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Lemon, Lomax, Morgan, Worth;

*Those who voted in the negative, were,*

Messrs. Blair, Clendenin, Daniel, Depauw, Fletcher, Givens, Graham, Gregory, Linton, Maxwell, McKinney, Orr, Robb, Sering, Stevens, Watts.

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill from the house of representatives, entitled an act concerning the Crawfordsville seminary; Mr. Robb in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate with amendments:

Which were read, and concurred in.

*Ordered,* That the emendments be engrossed, and with the bill, pass to a third reading.

The senate, according to order, resolved itself into committee of the whole, on the bill to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state; Mr. Sering in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate, with amendments:

Which were read and concurred in.

*Ordered,* That it be engrossed and pass to a third reading.

On motion,

The orders of the day were postponed;

And the senate adjourned to Monday morning nine o'clock.

MONDAY, DECEMBER 23, 1829.

The Senate assembled.

On motion by Mr. Graham,

*Ordered*, That Mr. Clendenin have leave of absence.

Mr. Lomax presented the petition of Christian Holler, and sundry other citizens of Henry county, praying that a portion of that county may be reattached to the county of Wayne, from whence it was formerly taken:

Which was read.

*Ordered*, That it be referred to a select committee, composed of Messrs. Lomax, Worth and Morgan, to consider and report thereon.

Mr. Graham from the committee of ways and means, to whom was referred the report of the superintendent of the loan office, have performed the duty assigned them—and report,

That they have examined the mortgages and vouchers on file in said office, and compared the same with the books; they also compared the books of the office with the report referred to them—your committee had the satisfaction to find that the vouchers, books and report, agree throughout. Your committee would further state that the vouchers are regularly filed, and the books kept in a neat classical manner, highly creditable to that office.

Mr. Linton, from the committee of ways and means to whom was referred a resolution of the senate, instructing them to enquire into the expediency of holding out inducements by small appropriations of money, to those persons who may have bored 300 feet in search of salt water to continue their investigations, have had the same under consideration—and report,

That they view with much interest, the progress of all measures calculated to develop the hidden sources of wealth within our state, and none more than that contemplated by the resolution referred to them, upon the subject of salt. The committee are aware, that the patronage of the state might lead to important results, and recognise the exertions of individuals in boring for salt water, as entitled to the countenance of the legislature, but regret, that although our finances are in a prosperous condition, yet, such demands upon the treasury for the ensuing year, present themselves, as to suggest the inexpediency of making appropriations at this time, to aid in boring for salt water.

Therefore, the committee ask to be discharged from the further consideration of the resolution.

*Ordered*, That it lie on the table.

Mr. Stevens, from the committee on the judiciary to whom was referred a resolution of the senate, instructing them to enquire into the expediency of repealing or modifying the fifth section of an act entitled "an act amendatory of the law and for the better advancement of justice," approved, 20th January, 1826—report:

That they have performed that duty, and are unwilling to recommend either a modification or repeal, of that section of said act, and therefore, ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be discharged from the further consideration of that subject.

Mr. Gregory from the standing committee on roads, to whom was referred the petition of James Ball, praying relief for building a bridge over Smother's creek—agree to report,

A bill in conformity with the prayer of the petitioner, to wit:

A bill for the relief of James Ball:

Which was read.

*Ordered*, That it pass to a second reading.

Mr. Claypool from the committee appointed to examine the unfinished business of last session—report,

That they have performed that duty, have made several examinations among the papees of last session and find no unfinished business; your committee therefore ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be discharged from the further consideration of that subject.

Mr. M'Kinney, from the select committee to whom was referred the resolution of the state of Tennessee, on the subject of a hospital at Memphis, in said state—report,

That although, appreciating the object proposed, which if successful, must produce the most favourable results, yet are compelled, from the situation of this state to say, that legislation on the subject is, at this time, inexpedient.

*Ordered*, That the select committee, be discharged from the further consideration of the subject, and that it be committed to the same committee, of the whole senate, to whom was referred the joint resolution relative to the Cumberland hospital.

The joint resolution of the general assembly of the state of Indiana, relative to the Indian tribes residing within the limits of said state:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill to improve the navigation of Lost river and Lick creek and for other purposes:

Was read a second time; and,

On motion by Mr. Depauw,

Amended by adding thereto, the two following sections, to wit:

Sec. That the sum of three hundred dollars, be, and the same is hereby appropriated out of the three per cent. fund, for the improvement of the river Muskukutuck, from Vernon, in Jennings county, to its junction with White river, and that Hugh Moore, of Jackson county, be, and he is hereby appointed a commissioner to expend the same, who, before entering upon the duties of said trust, shall execute, with the clerk of the circuit court, of the county last aforesaid, a bond with good freehold security, in the manner prescribed in the foregoing sections of this act.

Sec. The commissioner last aforesaid, shall proceed to draw the said appropriation in the manner pointed out in the foregoing sections of this act, and in the months of October and September next, or so soon thereafter as shall be practicable, shall proceed to expend the same in the improvement of the navigation of said stream by employing for that purpose daily laborers, on the best terms practicable, whose labor, said commissioner shall superintend and direct, until the said appropriation shall be expended, reserving for himself one dollar for each day he may be necessarily employed under the provisions of this act—a detailed statement of his said proceedings, he shall transmit, without delay, to the agent of the said three percent. fund, and in case the commissioner named in the foregoing section, refuse or neglect to act, resign or die, or in any way fail to comply with the provisions aforesaid, it shall be the duty of the board of justices in Jackson county, to fill such vacancy, and the person so appointed, shall be governed in all respects by the provisions of this act:

Which proposed amendments were read.

*Ordered*, That the bill, with the proposed amendments, be committed to a committee of the whole senate.

The bill to provide seven asylums in the state of Indiana for the reception of the poor:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill more effectually providing for the sale of school lands, in certain counties therein named:

Was read a second time.

*Ordered*, That it be engrossed and pass to a third reading.

The memorial of the general assembly of the state of Indiana to the congress of the United States, on the subject of certain saline reserves:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives to amend the act entitled an act appointing commissioners to relocate the seat of justice of Lawrence county, approved, December 26th, 1828:

Was read a second time.

*Ordered*, That it lie on the table.

The engrossed bill from the house of representatives, authorising a re-assessment in Gibson county:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, concerning the state road from Indianapolis to Crawfordville and Lafayette:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed joint resolution relative to the Illinois grant:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed joint resolution from the house of representatives, to fill a vacancy in the board of visitors to the Indiana college:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill to amend an act to organize probate courts and defining the powers and duties of executors and administrators, approved, 23d January, 1829:

Was read a third time; when,

Mr. Graham moved that the bill be recommitted to the judiciary committee, "with instructions to amend the bill, by striking out that part which provides for paying the associate judges for doing probate business, in those counties, which have neglected to elect probate judges, out of the state treasury."

Which motion did not prevail.

*Resolved*, That this bill pass and that the title thereof be,

An act to amend an act to organize probate courts and defining the powers and duties of executors and administrators, approved, 23d January, 1829.

*Ordered*, That the assistant secretary inform the house of representatives thereof, and request concurrence.

The engrossed bill from the house of representatives, to amend an act entitled an act, to amend an act to establish a state library, approved, February 4, 1819:

Was read a third time.

*Resolved*, That this bill pass.

And that the assistant secretary inform the house of representatives thereof.

The engrossed bill from the house of representatives, repealing the act respecting certain public property, in the county of Spencer, approved, January 14th, 1824:

Was read a third time.

*Ordered*, That it lie on the table.

The engrossed bill from the house of representatives, supplemental to an act, entitled an act to provide for a more certain return of votes, for governor and lieutenant governor, approved, December 31, 1825:

Was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the assistant secretary inform the house of representatives thereof.

The engrossed memorial to the congress of the United States for the benefit of certificate holders, of forfeited lands, within the state of Indiana:

Was read a third time.

*Ordered*, That it lie on the table.

The President laid before the senate the following communication from the Governor:

INDIANAPOLIS, INDIANA, }  
December 26, 1829. }

MILTON STAPP,

*President of the Senate:*

Sir:—I hereby inform the Senate of Indiana, over which you preside, that Thomas M. Sharpe, is authorized to deliver messages to that body, for me.

I am, sir,

Very respectfully,

Your obedient servant.

J. BROWN RAY.

The engrossed bill from the house of representatives, to incorporate the Crawfordville seminary, as amended in senate:  
Was read a third time.

*Resolved*, That this bill pass.

And that the assistant secretary inform the house of representatives; and request concurrence in the amendment.

The engrossed bill from the house of representatives, to incorporate the Eugene academy:

Was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the assistant secretary, inform the house of representatives thereof.

The following message was received from the Governor, by Mr. Sharpe.

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform the senate that he did, on the 26th inst. approve and sign,

An act to relocate a part of the state road leading from the Ohio line by Abington and Waterloo, to Connersville; which originated in the senate.

The engrossed bill for taking the enumeration of the white male inhabitants above the age of twenty-one years, in this state:

Was read a third time.

*Resolved*, That this bill pass, and that the title thereof be,

An act for taking the enumeration of the white male inhabitants above the age of twenty-one years, in this state.

On motion by Mr. Graham,

The memorial to the congress of the United States for the benefit of certificate holders of forfeited lands, within the state of Indiana:

Which was laid on the table, was now taken up,

*Ordered*, That it be committed to a select committee, with instructions so to amend it, as to provide for the issue of scrip to such persons as hold certificates for lands, which have been sold by the United States, either prior to, or since the fourth day of July last.

The senate, according to order, resolved itself into committee of the whole on the bill to regulate the mode of doing county business in the several counties in this state; Mr. Worth in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chair-

man reported the bill to the senate, with progress made therein; and a request for leave to sit again; which was refused.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

Mr. Maxwell, from the joint committee on enrolled bills, now reported that they have compared the following enrolled with the engrossed bills entitled acts, to wit:

An act to relocate part of the state road from Vincennes to Spencer, in Owen county;

An act to incorporate the Rising Sun seminary society, and,

An act concerning claims in the county of Henry;

And find the same truly enrolled.

The senate resumed the consideration of the bill to regulate the mode of doing county business, in the several counties in this state; and,

On motion by Mr. M'Kinney,

The senate reconsidered their vote of this forenoon, refusing to the committee of the whole senate, leave to sit again on said bill; and,

The question again recurring, shall the senate have leave to sit again on said bill?

It was determined in the affirmative.

The senate thereupon, according to order, again resolved itself into committee of the whole, on the bill last mentioned; Mr. Worth in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, the Chairman reported the bill to the senate, with amendments, which were read as follows, to wit:

"Except the counties of Putnam, Henry, Rush, Montgomery, Tippecanoe, Decatur, Jennings, Dearborn, Switzerland, Posey, Vanderburgh, Warrick, Ripley, Perry and Crawford, Fayette and Union, and all other counties in this state; which counties shall continue to do their business, as is now prescribed by law."

And on the question, will the senate concur in this amendment,

It was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being requested by two senators.



*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Givens, Lomax, M'Kinney, Morgan, Orr, Sering, Stevens, Watts.

*Those who voted in the negative, were,*

■ Messrs. Blair, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Maxwell, Robb, Worth.

Mr. Maxwell then moved to commit the bill to a select committee with instructions to amend the same, so as to authorize the justices of the peace, to do the county business in this state as a general plan.

■ And on the question, shall the bill be committed to a select committee with such instructions?

It was determined in the negative—ayes 9, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Lomax, Maxwell, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Gregory, Lemon, Linton, M'Kinney, Morgan, Orr, Robb, Sering, Stevens, Watts.

Mr. Claypool then moved that the bill be committed to a select committee, "with instructions to report a bill founded on the system of doing county business in the counties of Franklin, Union and others."

And on the question, shall the bill be committed to a select committee, with those instructions?

It was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Maxwell, M'Kinney, Morgan, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Givens, Lomax, Orr, Sering, Stevens, Watts.

*Ordered*, That Messrs. Ewing, Gregory and M'Kinney be the select committee on the foregoing bill.

The following message was received from the house of representatives, by Mr. Lanier their clerk.

MR. PRESIDENT:

The Speaker of the house of representatives having signed enrolled bills, entitled as follows, viz:

"An act to relocate part of the state road from Vincennes to Spencer, in Owen county;

"An act concerning claims in the county of Henry: and,

"An act to incorporate the Rising Sun seminary society;"

I am directed to bring the same up to the senate for the signature of their President.

On motion by Mr. Depauw,

*Ordered*, That the committee of the whole senate be discharged from the further consideration of the joint resolution, on the subject of amending the constitution of the United States.

Mr. Depauw then moved to strike out the whole of the joint resolution from the word resolved; and insert in lieu thereof, the following, to wit:

"By the general assembly of the state of Indiana, that our senators in congress, be instructed, and our representatives requested, to advocate, in that body, amendments to the constitution of the United States, and propose the same to the legislatures of the several states in the Union, for their ratification or rejection, in substance as near as may be following, to wit:

1st. That the president and vice president, of the United States, shall be elected for the term of six years, and that the president shall be ineligible forever thereafter.

2d. That the president and vice president be elected directly by the people; reserving to the states respectively as near as may be, their relative weight in the election, under the existing constitution.

*Resolved*, That the governor of this state, be requested to transmit to our senators and representatives in congress, and the governors of the several states, each a copy of the foregoing resolution; which proposed amendment to the resolution being read:

Mr. Morgan moved to amend the amendment, by striking out the word "six" before the word "years," and to insert the word "four."

Which was decided in the negative.

Mr. Gregory then moved to amend the amendment, by striking out the words "reserving to the states respectively as near as may be, their relative weight in the election, under the existing constitution," and before the question taken thereon, the joint resolution together with the amendments were laid on the table.

And the Senate adjourned.

TUESDAY, DECEMBER 29, 1829.

The Senate assembled.

The enrolled bills, last reported from the house of representatives, for the signature of the President, having been now signed by him, were handed to the committee on enrolled bills, to be laid before the governor for his approval and signature.

Mr. Fletcher, from the committee on enrolled bills, now reported, that they have on this day, presented to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act, concerning claims in the county of Henry.

An act, to relocate part of the state road, from Vincennes to Spencer in Owen county; and

An act, to incorporate the Rising Sun seminary society.

Mr. Ewing, from the standing committee on canals and internal improvements, on leave being granted, introduced a bill, providing means to construct that portion of the Wabash and Erie canal in the state of Indiana:

Which was read the first time, and by common consent, read a second time.

*Ordered*, That there be five hundred copies of said bill printed for the use of the senate, and that the bill be committed to a committee of the whole senate.

Mr. Depauw, from the select committee, to whom was referred a memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands within the state of Indiana, with instructions to amend the same, so as to provide also for such persons as hold certificates for lands which may have been sold by the United States since the 4th of July last—report,

That they have performed that duty, and have directed him

to report the same with the requisite amendments to the senate for their consideration.

Which amendments were read and concurred in, and with the memorial, ordered to be engrossed and pass to a third reading.

On motion by Mr. Orr,

The following resolution was proposed for adoption, viz.

WHEREAS, it is the opinion of many, that from the mouth of Eel river to the lower termination of the Wabash and Erie canal, the weight of population, natural advantages of the country, and the ease with which other works can be connected to be hereafter provided for in our march of improvement, ever must preponderate in favor of the south side of the Wabash river: and whereas, it is the policy of the state of Indiana in the construction of works, directly intended to promote her agricultural, manufacturing and commercial interests, to pay a due regard in their commencement, to the present as well as future interests of the state, the ease with which access may be had to such works, by the great body of the people, as well as the facilities that can now be afforded to wealth and enterprize in bringing into successful operation the resources of the country generally:

Therefore,

*Resolved*, That the committee on canals and internal improvements, be instructed to enquire into the propriety of the foregoing opinion, and of leaving the particular side of the Wabash river, on which the Wabash and Erie canal shall pass, to depend upon a future examination by a competent engineer, the future advantages of the country, the propriety of hereafter extending said canal, and the interest of the state, all considered. with leave to report by bill or otherwise.

Which resolution was read and adopted.

On motion by Mr. Watts,

*Resolved*, That the judiciary committee, be instructed to enquire into the expediency of reporting a bill to the senate, defining the rights of citizens of other states, travelling through the state of Indiana with any property, deemed and held as such, by the constitution of the United States, or of any one of the United States, and to report by bill or otherwise.

Mr. Linton moved to take up the resolution proposed for adoption by him, and which was laid upon the table on the 12th instant, which reads in these words:

*Resolved*, That the committee on education, be instructed to report a bill, embracing provisions, which shall provide for the payment by the respective school commissioners of this state, into the state treasury, all monies that may hereafter

arise from the sale of school lands, and for the loaning of the same by the state, upon proper securities, with a guarantee to the several congressional townships, of interest at the rate of six per cent. upon such sum as may have been derived from them respectively.

Which resolution was taken up: when

Mr. Sering moved to strike the same out from the resolving clause, and amend the same by inserting the following:

WHEREAS, the funds which will necessarily arise from the sale of the Salt Lick reservations, University and canal lands, being placed within the control of the state, require their investment in some productive stock; and whereas, a bank based upon such securities, would greatly aid the state in a proposed system of internal improvements, affording facilities, and could not fail to secure general confidence.

Therefore,

*Resolved*, That a select committee be required to report a bill, organizing a state bank, based upon the said securities.

And before the question was taken, on striking out,

The Senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

By common consent, before taking the question on the preceding resolution,

On motion by Mr. Ewing,

The following resolution was adopted, viz:

*Resolved*, That the agent of the three per cent. fund, be forthwith instructed by a copy thereof, to inform this senate, if he has, or not, the surveys and proper data in his office, to ascertain the distances of every state road, section or district, established, or divided by law, with the construction he has given to the act of the last general assembly, wherein Mr. Cornelius Berkshire was appointed a commissioner on the part of road, No. 11, which extends west from the boundary line, dividing Orange and Martin counties, that now requires a legislative act, to authorise the payment of the sum due to said commissioner if he has filed his bond.

The senate resumed the consideration of the resolution taken up as aforesaid, on the motion of Mr. Linton, and the question occurred on striking out, as proposed by Mr. Sering: when,

On motion by Mr. Stevens,

*Ordered*, That the resolution lie on the table.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill from the senate, entitled,

An act, concerning the Farmers' and Mechanics' Bank of Indiana, with an amendment, in which the concurrence of the senate is requested.

The house of representatives concur in the amendment proposed by the senate, to the engrossed bill of the house, entitled

An act, to incorporate the Crawfordsville seminary.

And the amendment proposed by the house of representatives, to the act, concerning the Farmers' and Mechanics' Bank of Indiana:

Was read and concurred in.

*Ordered*, That the assistant secretary inform the house of representatives thereof.

Mr. Maxwell, on leave granted, introduced a bill, concerning clerk's offices:

Which was read, and ordered to pass to a second reading.

Mr. Depauw, on leave granted, introduced a bill, declaratory of the law, on the subject of divorces:

Which was read.

*Ordered*, That it pass to a second reading.

Mr. Sering, on leave granted, introduced a bill, to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes:

Which was read.

*Ordered*, That it pass to a second reading; when, by common consent, it was read a second time.

*Ordered*. That it be engrossed and pass to a third reading.

Mr. Lomax, on leave granted, introduced a bill, providing for the sale of the school lands, and the management of the funds, arising therefrom in Wayne county:

Which was read.

*Ordered*, That it pass to a second reading.

The bill for the relief of James Ball,

Was read a first time.

*Ordered*, That it pass to a second reading.

The bill was then read a second time, and

*Ordered*, That it be committed to a committee of the whole senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives has passed an engrossed joint resolution, relative to the three per cent. fund, in which the concurrence of the senate is requested.

The house of representatives has passed an engrossed bill, of the senate, entitled an act, providing for the location, opening and improvement of certain state roads, with eight amendments, in which I am directed to ask the concurrence of the senate.

The engrossed joint resolution, from the house of representatives, relative to the three per cent. fund, last reported for concurrence, was read.

*Ordered*, That it pass to a second reading.

The senate proceeded to the consideration of the amendments proposed by the house of representatives, to the engrossed bill of the senate, entitled an act, providing for the location, opening and improvement of certain roads: when,

The first, second and third amendments, proposed by the house of representatives to said bill, were severally read, and disagreed to.

The fourth amendment proposed by the house of representatives, which is to the 8th section of the bill, and is in these words; "Washington, thence the nearest and best way, via Muncy town in Delaware county, and Miami Port, in Cass county, to Logansport in said county of Cass," being read:

Mr. Worth, moved to amend the proposed amendment, by inserting after the word, "Washington," the word "Economy;"

And on the question, shall the proposed fourth amendment of the house of representatives, be so amended?

It was determined in the affirmative.

The fifth amendment proposed by the house of representatives, in the thirteenth line of the fourth section:

Was then read, and agreed to.

The sixth amendment proposed, which is in the fifteenth section, second line, after the word "from," insert "the Army Ford, on Racoon creek, in Park county, by way of Montezuma, Newport, and the county road, to Eugene, thence to Perrysville, Covington, Portland, and Attica," having been read;

Mr. Blair moved to amend the said proposed amendment, as follows, to wit:

Strike out the words, "the Army Ford on Racoon creek, in

Park county," and insert these words: "Terre Haute, in Vigo county;" after the word Montezuma, insert these words: "or Clinton, as to said commissioners may seem best to;" and after the word "road," in the third line, insert, "by way of Springfield," and after the word "Eugene," in the said proposed amendment, of the house of representatives, insert "*thence to the south-west corner of section sixteen, in township eighteen, north of range nine west, thence on the county road, to;*" and after the word, "Perrysville," insert "*thence to:*"

Which proposed amendment of the house of representatives, as proposed to be amended by Mr. Blair, would read thus:

"From Terre Haute, in Vigo county, by way of Montezuma or Clinton, as to said commissioner may seem best, to Newport and the county road, by way of Springfield, to Eugene; thence to the south-west corner of section sixteen, in township eighteen, north of range nine west, thence on the county road, to Perrysville, thence to Covington," &c. &c.

And on the question, shall the several amendments, proposed by Mr. Blair, to the sixth amendment, proposed by the house of representatives, be adopted?

It was determined in the negative.

And the sixth amendment was then disagreed to.

The seventh and eighth amendments, proposed by the house of representatives, to said bill:

Were then read, and concurred in.

*Ordered*, That the assistant secretary inform the house of representatives, that the senate have concurred in the fifth, seventh and eighth amendments, proposed by the house of representatives, without amendment.—And they also concur in the fourth proposed amendment, to said bill, with an amendment, in which the concurrence of the house is requested, but have disagreed to the first, second, third and sixth amendments proposed by the house of representatives, to said bill.

The following message was received from the house of representatives, by Mr. Lanier, their clerk.

MR. PRESIDENT:

The house of representatives, has passed engrossed bills of the following titles, viz:

An act, to authorise the qualified voters of the different townships in the county of Harrison, to elect their township officers;

"An act, to extend the powers of the commissioners of Mor-



gan county, in a certain case therein named, and for other purposes;"

"An act, to amend an act, regulating general elections;" and

"An act, to establish a state road, from George Kline's in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county;" in which the concurrence of the senate is requested.

The house of representatives has also passed engrossed bills of the senate, of the following titles, viz.

"An act, to provide for the removal of obstructions to the navigation of Eel river;"

An act, to amend an act, entitled an act, to amend an act, for the incorporation of county libraries—approved, February 7th, 1825;" and

An engrossed memorial, entitled "a memorial of the general assembly of the state of Indiana, upon the subject of continuing the construction of the Cumberland road."

The first, with amendments, the latter, without amendment; in which amendments to the first named bill, I am directed to ask the concurrence of the senate.

The several engrossed bills of the house of representatives, entitled acts, last sent up for concurrence, to wit:

"An act, to extend the powers of the commissioners of Morgan county, in a certain case therein named, and for other purposes;"

"An act, to amend the act, regulating general elections;" and

"An act, to establish a state road, from George Klines in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county;"

Were severally read a first time.

*Ordered*, That they pass to a second reading.

The engrossed bill from the house of representatives, to authorize the qualified voters in the aforesaid township, in the county of Harrison, to elect their township officers, was read twice by common consent, and referred to the select committee to whom was referred the bill on the subject of county business.

The senate then proceeded to consider the amendments, proposed in the house of representatives, to the engrossed bill of the senate, entitled

"An act, to provide for the removal of obstructions to the navigation of Eel river;"

And the same being read,

Mr. Robb moved to amend the proposed amendment of the house of representatives, by adding thereto, the following sections, to wit.

"Sec. That the sum of one hundred dollars out of the

three per cent. fund be, and the same is hereby appropriated to aid in removing the obstructions to navigation in that part of Patoka river, which is included between Enlow's mill, in Dubois county, and Thompson's mill in Pike county; to be laid out in such manner, and under the direction of such persons, as the board of justices of Dubois county, shall direct."

"Sec. The board of justices of Dubois county, is hereby authorised to draw on the agent of the three per cent. fund, for the amount hereby appropriated, and the said agent is hereby required to pay the same.

And the said proposed amendment to the amendment, having been read;

Previous to taking any order thereon,

And the Senate adjourned.

WEDNESDAY, DECEMBER 30, 1825.

The Senate assembled.

Mr. Maxwell from the joint committee on enrolled bills, now reported that they have compared the following enrolled with the engrossed bills entitled acts, to wit:

"An act to vacate the south end of second street, in the town of Washington, Daviess county:"

"An act to amend an act, to establish a state library, approved, February 4th, 1825;"

"An act for the incorporation of the Eugene academy;" and,

"An act, supplemental to an act, entitled an act, to provide for a more certain return of votes, for governor, and lieutenant governor, approved, December 31, 1825;"

And find the same truly enrolled.

The following message was received from the house of representatives by Mr. Hannegin, their enrolling clerk, to wit:

MR. PRESIDENT:

The Speaker of the house of representatives, having signed enrolled bills of the following titles, to wit:

"An act supplemental to an act, entitled 'an act, to provide for a more certain return of votes for governor and lieutenant governor, approved, December 31, 1825;"

"An act for the incorporation of the Eugene academy;"

An act to amend an act entitled "an act to amend an act to establish a state library, approved, February 4, 1825:" and, "An act to vacate the south end of second street in the town of Washington, Daviess county."

Which I am directed to bring up to the senate for the signature of their President.

And the said enrolled bills, entitled "acts" having been signed by the President of the senate, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Gregory presented the petition of John Wishard, senr. Samuel Watts, and sundry other citizens of Johnson county, praying an alteration in a certain state road, therein described: Which was read.

*Ordered*, That it be referred to a select committee, to consider and report thereon—and that Messrs. Gregory, Fletcher and Maxwell be the committee.

The senate now proceeded to consider the amendments, proposed by the house of representatives, to the engrossed bill of the senate, entitled an act to provide for the removal of obstructions to the navigation of Eel river: when,

Mr. Robb moved that the bill lie on the table.

And on the question, shall this bill lie on the table?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators;

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Fletcher, Givens, Graham, Lane, M'Kinney, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Ewing, Gregory, Lemon, Linton, Maxwell, Morgan, Orr, Sering, Stevens, Watts.

And on the question, will the senate concur in the amendments proposed by the house of representatives, to said bill?

It was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Ewing, Gregory, Lemon, Linton, Maxwell, Orr, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Fletcher, Givens, Graham, Lane, M'Kinney, Morgan, Robb.

*Ordered,* That the assistant secretary inform the house of representatives, that the senate concur in the amendments proposed by that house to said bill.

On motion by Mr. Linton,

*Resolved,* That the senate will now proceed to reconsider their vote, concurring in the third amendment of the house of representatives, to the engrossed bill of the senate, entitled an act providing for the location, opening and improvement of certain roads; which was by striking out the name of Jacob Thornburgh and inserting the name of Thomas Craner.

And the question again recurring, will the senate concur in the proposed amendment?

It was determined in the affirmative.

*Ordered,* That the assistant secretary inform the house of representatives thereof.

On motion by Mr. Fletcher,

The engrossed bill to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river:

Which was laid on the table on the 23d inst. was now taken up; when,

Mr. Givens moved to recommit the bill to a select committee with instructions to strike out all, after Indianapolis, and insert, by Martinsville, Bloomington, Washington, Petersburg, Princeton to Mount Vernon on the Ohio river, in Posey county.

And on the question, shall the bill be recommitted, with those instructions?

It was determined in the negative—ayes 8, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Ewing, Givens, Graham, Lane, Lemon, Maxwell, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Depauw, Fletcher, Gregory, Linton, Lomax, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth. When,

Mr. Ewing then moved that said bill be committed to a select committee, with instructions to report a bill providing for the location of the Michigan road from hence to Bloomington, thence to Washington, thence to Petersburg, thence to Princeton, thence to Evansville, in Vanderburgh county.

And on the question, shall the bill be so committed?

It was determined in the negative—ayes 6, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Ewing, Givens, Graham, Maxwell, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Depauw, Fletcher, Gregory, Lane, Lemon, Linton, Lomax, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

Mr. Depauw then offered for consideration and adoption the following resolution:

*Resolved*, That the bill under consideration, be recommitted to a select committee with instructions so to amend the same as to require the commissioners named in the second section thereof; to meet at Indianapolis instead of Madison; and that said commissioners proceed to survey and locate said road, from Indianapolis by the way of Bloomington, Bedford, Salem to the falls of the Ohio river.

Which was read.

And on the question, shall this resolution be adopted?

It was determined in the negative—ayes 9, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Givens, Lane, Lemon, Maxwell, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Fletcher, Graham, Gregory, Linton, Lomax, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

Mr. Graham then offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the bill providing for the location of the Michigan road, be recommitted to a select committee, with instructions to amend the same, so as to locate said road on and along the state road, from Indianapolis, through Franklin, in Johnson county, to Columbus, in Bartholomew county, and that the commissioners named in said bill, be authorized to locate the said road from Columbus, to the most eligible point on the Ohio river; Which being read:

On the question, shall this resolution be adopted?

It was determined in the negative--ayes 10, noes 12.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Graham, Lane, Lemon, Maxwell, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Givens, Gregor & Linton, Lomax, M'Kinney, Morgan, Stevens, Watts.

Mr. Robb moved to recommit the bill to a select committee, with instructions to strike out that part, which requires the Michigan road to pass by Greensburgh; and insert, "the most direct and best way to Madison, on the Ohio river;" when,

Mr. Morgan moved to amend the proposed instructions, by striking therefrom, the words "Madison on."

And on the question, shall the instructions be amended by striking therefrom, to words "Madison on."

It was determined in the negative--ayes 10, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Givens, Graham, Gregory, Lane, Lemon, Morgan, Robb, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Ewing, Fletcher, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Worth.

The question on the original motion of Mr. Robb then recurring, shall the bill be recommitted with those instructions?

It was determined in the negative--ayes 10, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Fletcher, Graham, Lane, Linton, Maxwell, Orr, Robb, Sering, Worth.

*Those who voted in negative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Givens, Gregory, Lemon, Lomax, M'Kinney, Morgan, Stevens, Watts.

Mr. Lemon then offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the bill be recommitted to a select committee, with instructions to amend the same, so as to authorize the commissioners named in the bill, to locate said road from Indianapolis, to the falls of Ohio.

And on the question, shall the bill be committed with these instructions?

It was determined in the negative—ayes 7, noes 15.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Givens, Graham, Lane, Lemon, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

Mr. Ewing then moved that said bill be committed to a select committee, with instructions to report a bill, requiring of the commissioners therein named, to examine the various routes for the location of the Michigan road, from hence to the Ohio river, with a view to the utility of the road to the interest of our state, and the citizens thereof; and to select, and locate said road upon the route ascertained by them to be the most eligible.

And on the question, shall the bill be committed with those instructions?

It was determined in the negative—ayes 8, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Ewing, Graham, Lane, Lemon, Maxwell, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Fletcher, Givens, Gregory, Linton, Lomax, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

Mr. Sering then offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the bill under consideration, be recommitted to a select committee, with instructions to amend the same, by striking out the word, "Greensburgh," and all that part which relates to the location of the road between "Greensburgh and Madison," and insert in lieu thereof, the words "Columbus and Vernon."

And on the question, shall this resolution be adopted?

It was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Graham, Lane, Lemon, Linton, Maxwell, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Depauw, Ewing, Fletcher, Givens, Gregory, Lomax, M'Kinney, Morgan, Stevens, Watts.

*Ordered*, That Messrs. Sering, Linton and Graham be the select committee.

And the Senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

Mr. Orr on leave granted, introduced a bill to incorporate the Greencastle seminary society:

Which was read.

*Ordered*, That it pass to a second reading.

Mr. Linton on leave granted, introduced a bill to amend an act, relative to navigable streams, declared public highways by the ordinance of congress of 1787, approved, January 23d, 1829:

Which was read.

*Ordered*, That it pass to a second reading.

The bill concerning clerk's offices:

Was read a second time.



*Ordered*, That it be engrossed and pass to a third reading.  
The bill declaratory of the law, on the subject of divorces:  
Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill for the sale of the school lands, and the management of the funds arising therefrom, in Wayne county:

Was read a second time.

*Ordered*, That it lie on the table.

The engrossed joint resolution from the house of representatives relative to the three per cent. fund:

Was read a second time; and,

With a report of the agent made in compliance with a resolution of the senate, was committed to a committee of the whole senate.

The engrossed bill from the house of representatives, to amend the act regulating general elections:

Was read a second time; and,

On motion by Mr. Lemon,

*Ordered*, That it be indefinitely postponed.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives, has passed an engrossed bill entitled,

"An act supplementary to an act entitled an act providing for the opening of a state road, in the county of Allen;" and,

"An engrossed joint resolution, relative to the establishment of a medical college;"

In which act and joint resolution, the concurrence of the senate is requested.

The engrossed bill and joint resolution last reported from the house of representatives, for concurrence, were severally read in senate.

*Ordered*, That they severally pass to a second reading.

The engrossed bill from the house of representatives, entitled an act, authorising a re-assessment in Gibson county:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed joint resolution from the house of representatives, to fill a vacancy of the board of visitors, to the Indiana college:

Was read a third time.

*Resolved*, That this joint resolution pass.

The engrossed bill from the house of representatives, enti-

filed an act, concerning the state road, from Indianapolis to Crawfordsville and Lafayette:

Was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the two last mentioned bills, and joint resolution, without amendment.

The engrossed bill of the senate, attaching that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes:

Was read a third time and passed.

*Resolved*, That the title thereof be,

“An act, attaching that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes.”

The engrossed bill, more effectually providing for the sale of school lands, in certain counties therein named:

Was read a third time.

*Resolved*, That this bill pass.

And the engrossed joint memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands, within the state of Indiana:

Was read a third time.

*Resolved*, That this joint memorial pass, and that the title thereof be,

A joint memorial, to the congress of the United States, for the benefit of certificate holders of forfeited lands, within the state of Indiana.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the two bills and joint memorial last mentioned, and request concurrence.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act, to incorporate the Crawfordsville seminary: and,

An act, concerning the Farmer's and Mechanic's Bank of Indiana; and find the same truly enrolled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk.

MR. PRESIDENT:

The Speaker of the house of representatives having signed an enrolled bill, entitled

"An act, concerning the Farmers' and Mechanics' Bank of Indiana:"

I am directed to bring the same up to the senate for the signature of their President.

The enrolled bill, last reported from the house of representatives, to have been signed by their speaker, having been signed by the president of the senate, was handed to the committee on enrolled bills, to be laid before the governor for his approval and signature.

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill, from the house of representatives, to amend an act, entitled an act, organizing the supreme courts, and defining its powers and duties—approved, January 2, 1824; Mr. Depauw in the chair, when, after some time spent thereon, the President resumed the chair, and the Chairman reported the bill to the senate, with one amendment, which was by striking it out from the enacting clause.

And previous to taking the question on concurrence, Mr. Stevens proposed to amend the bill, by adding at the end of the first section, the following, to wit: "upon which the party assigning the error or errors may rely for a reversal, and upon which authorities are produced to sustain the position taken by the party."

And on the question, shall the bill be so amended?

It was determined in the affirmative.

Mr. M'Kinney then moved to strike out of the first section, the words, "of said court in reversing or affirming the same to give," and insert in lieu thereof, the following: "each of the judges of said court, to give an opinion in writing, upon each and every case decided by said court,"

And upon the question, shall this amendment be adopted?

It was determined in the negative—ayes 8, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Givens, Maxwell, M'Kinney, Sering.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Graham, Gregory, Lemon, Linton, Bomax, Morgan, Orr, Robb, Stevens, Watts, Worth.

The bill being then amended to read as follows, to wit:

An engrossed bill, to amend an act, organizing the supreme

court, and defining its powers and duties—approved, January 2, 1824.

Sec. 1 *Be it enacted by the General Assembly of the State of Indiana*, That in all cases now pending, or which hereafter may be pending in the supreme court of this state, it shall be, and is hereby made the duty of said court, in reversing or affirming the same, to give an opinion in writing, on every error assigned, growing out of the record, upon which the party assigning the error or errors may rely for a reversal, and upon which authorities are produced to sustain the position taken by the party.

Sec. 2. This act shall take effect, and be in force from and after its publication.

And the question then recurring, will the senate concur in the amendment made by the committee of the whole, to said bill, which was by striking the same out from the enacting clause?

It was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Graham, Gregory, Linton, Lomax, McKinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Givens, Lemon, Maxwell, Robb.

And on motion by Mr. Maxwell,

*Ordered*, That the bill be indefinitely postponed.

Mr. Fletcher, from the joint committee on enrolled bills, now reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

“An act for the incorporation of the Eugene academy;”

“An act supplemental to an act, entitled ‘an act, to provide for a more certain return of votes for governor and lieutenant governor, approved, December 31, 1825;”

An act to amend an act entitled “an act to amend an act to establish a state library, approved, February 4, 1825:” and,

“An act to vacate the south end of second street in the town of Washington, Daviess county”

An act concerning the Farmers’ and Mechanics’ Bank of Indiana.

And the Senate adjourned.

THURSDAY, DECEMBER 31, 1829.

The Senate assembled.

Mr. Orr, presented the petition of J. S. Hanna, J. A. Grove, and sundry other citizens of the county of Tippecanoe, praying the passage of a law, authorising Moses Michaels to erect a ware house, opposite lots No. 11 or 12 in the town of Lafayette in said county:

Which was read.

*Ordered*, That it be referred to a select committee composed of Messrs. Orr, Blair, and Linton, to consider and report thereon.

Mr. Robb, from the committee of ways and means, to whom was referred the treasurer's report, relative to the contingent fund—now reported:

That they have examined the vouchers on file, and the treasurer's books, so far as they are connected with said report, and on comparing the vouchers with the books, report, that we find that they all perfectly agree, and that the vouchers are filed, and the books are kept in a neat accountant like manner.

The attention of the committee was nevertheless forcibly drawn to a note referring to the 34th section of an act, entitled an act to regulate the militia of the state of Indiana, approved, January 20, 1824, inserted on the account of Thomas Scott, exhibiting a claim for attending, as a member of a court martial, and travelling to and from the same; and four other claims for similar services are exhibited in said report; and as it is believed by your committee, that these are the only militia officers, that have ever received any compensation for their services, when acting as members of a court martial (although many other officers have performed similar duties;) and doubt whether the said 34th or any other section of said act, authorised the payment of such claims; and they recommend the adoption of the following resolution:

*Resolved*, That the military committee be instructed to inquire, whether the present existing laws authorize any compensation to be made to militia officers for their services in travelling to and from, and sitting on courts martial; and if (by a fair construction) the 34th, 56th, 43d, or any other sections of the aforesaid act, permit the payment of such claims out of the state treasury, under any pretext whatever, that they report a bill, to prevent in future the like application of the funds of the state treasury;

Which report and resolution being read.

*Ordered*, That the resolution be adopted.

Mr. Gregory, from the standing committee on roads, to whom was referred a resolution directing said committee to report a bill to the senate incorporating a turnpike company, for constructing a turnpike road, from New Albany, in Floyd county, on the Ohio river, through Paoli and Washington to Vincennes, in Knox county—have agreed, and directed me to report a bill in conformity with said resolution, to wit:

A bill, to incorporate a company to make a turnpike road, from New Albany in Floyd county, by Greenville, Paoli, Mount Pleasant, and Washington, to Vincennes, in Knox county:

Which was read.

*Ordered*, That it pass to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That one hundred copies thereof be printed, and that the bill be committed to a committee of the whole senate.

The following message was received from the Governor, by Mr. Sharpe his private secretary.

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform the senate that he did, on this day, approve and sign,

An act concerning the Farmers' and Mechanics' Bank of Indiana; and,

An act to vacate the south end of second street, in the town of Washington, Davess county; both of which originated in the senate.

Mr. Lemon, from the committee on roads to whom had been referred a resolution of the senate instructing them to enquire into the propriety of improving streams not heretofore declared navigable—now states,

That they have performed that duty, and have instructed him to report a bill to authorize the boards doing county business, to improve the navigation of streams:

Which was read.

*Ordered*, That it pass to a second reading.

Mr. M'Kinney offered for consideration and adoption, the following resolution:

*Resolved*, That the committee on the judiciary, be instructed to report a bill providing for the imposition of additional penalties and restrictions, upon persons who retail spirituous liquors within one and a half miles of places of religious wor-

ship, except in towns, or within that distance of the residence of licensed tavern keepers; which being read,

Mr. Ewing moved to amend the resolution, by striking therefrom, the words "except in towns, or within that distance of the residence of licenced tavern keepers;" which motion prevailed,

And the resolution was so amended.

And on the question, shall the resolution as amended be adopted?

It was determined in the negative.

The orders of the day having been called for,

Mr. Ewing moved that the orders of the day be postponed for the present, which motion prevailed.

Mr. Ewing then moved that the committee of the whole senate be discharged from the further consideration of the engrossed joint resolution from the house of representatives, relative to the three per cent. fund, and that it be now taken up, which motion also prevailed.

The said resolution being then taken up and read;

Mr. Graham moved that the joint resolution, relative to the three per cent. fund, be committed to a select committee, with instructions to amend the same, so as to authorize the agent of the three per cent. fund, to pay over to Cornelius Berkshire the sum or sums to which that part of the road, to which he is appointed commissioner, in proportion to the length thereof is entitled—and the same having been read;

Mr. Fletcher proposed to amend the instructions by adding thereto the following, to wit:

"And to amend the same by striking out that part of the preamble, which relates to the agent of the three per cent. fund, refusing to pay the money to Mr. Berkshire—and his reasons therefor; and previous to taking any question on the amendment proposed to the instructions;

The senate adjourned.

The Senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills entitled acts, to wit:

"An act to amend an act, entitled an act, to amend an act,

entitled an act, for the incorporation of county libraries—approved, February 7th, 1825;”

An act, concerning the state road from Indianapolis to Crawfordsville and Lafayette;

An act, authorising a re-assessment in Gibson county;

A joint resolution, to fill a vacancy in the board of visitors to the Indiana college; and

A memorial of the general assembly of the state of Indiana upon the subject of continuing the construction of the Cumberland road;

And find the same truly enrolled.

The senate resumed the consideration of the engrossed joint resolution, relative to the three per cent. fund, with the proposed instructions and amendment thereto, as proposed by Mr. Fletcher; when,

Mr. Robb proposed to amend the amendment proposed to the instructions, by making it read as follows, to wit:

“And to amend the same, by striking out the whole of the preamble thereof.”

Which proposition was agreed to; and the instructions amended, was agreed to.

*Ordered*, That Messrs. Graham, Ewing, and Depauw, be the select committee to whom is committed the said joint resolution, with the foregoing instructions.

On leave being granted,

Mr. Sering from the select committee, to whom was referred

The engrossed bill to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river: with instructions—report,

The following amendment:

In the first section, 26 line,

second section, 15 line,

second section, 22 line,

eighth section, 5 line,

Strike out the word, “Greensburg,” and insert the words “Columbus and Vernon:”

Which report having been read,

Mr. Stevens called for a division of the question.

And the first division of the question being, shall the word “Greensburgh” be strikent out?

It was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being requested by two senators



*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Graham, Lane, Lemon, Linton, Maxwell, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Ewing, Fletcher, Givens, Gregory, Lomax, M'Kinney, Morgan, Stevens, Watts.

The second division of the question then being, shall the word "Columbus," be inserted?

It was determined in the affirmative—ayes 15, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Graham, Lane, Lemon, Linton, Maxwell, M'Kinney, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Ewing, Givens, Gregory, Lomax, Morgan, Stevens, Watts.

The third division of the question being called for, which was, shall the word "Vernon," be inserted?

It was determined in the negative—ayes 8, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Linton, Maxwell, M'Kinney, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lane, Lemon, Lomax, Morgan, Orr, Robb, Stevens, Watts.

Mr. Graham then moved to strike out of the amended bill, the word "Madison," and insert the word "Jeffersonville."

And on the question, shall "Madison" be stricken out?

It was determined in the negative—ayes 11, noes 11.

The senate being equally divided, the President determined in the negative.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Givens, Graham, Gregory, Lane, Lemon, Morgan, Robb, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Worth, Mr. President.

Mr. Gregory then moved to strike out of the said bill, the word, "Madison," and insert the word, "Lawrenceburgh."

And on the question, shall the word, "Madison," be stricken out and the word "Lawrenceburgh" inserted?

It was determined in the negative—ayes 9, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Givens, Gregory, Lemon, Lomax, Maxwell, Morgan, Stevens, Watts,

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Ewing, Fletcher, Graham, Lane, Linton, M'Kinney, Orr, Robb, Sering, Worth.

Mr. Watts then moved to amend the bill, by striking out the word "Madison," and inserting the word, "Aurora," in lieu thereof.

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 8, noes 14.

The ayes and noes being requested by two senators;

*Those who voted in the affirmative, were,*

Messrs. Givens, Gregory, Lemon, Lomax, Maxwell, Morgan, Stevens, Watts.

*Those who voted in negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Ewing, Fletcher, Graham, Lane, Linton, M'Kinney, Orr, Robb, Sering, Worth.

Mr. Watts then moved to amend the bill, by striking out the

word, "Madison," and inserting in lieu thereof, the words, "Rising Sun."

And on the question, shall this amendment be adopted?  
It was determined in the negative—ayes 9, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Ewing, Givens, Gregory, Lemon, Lomax, Maxwell, Morgan, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Graham, Lane, Linton, M'Kinney, Orr, Robb, Sering, Worth.

Mr. Lemon then moved to amend the bill, by striking out the word, "Madison," and inserting in lieu thereof, the words, "New Albany."

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 11, noes 11.

The senate being equally divided, the President gave the casting vote.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Givens, Graham, Gregory, Lane, Lemon, Morgan, Robb, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Worth and Mr. President.

Mr. Morgan then moved to amend the bill, by striking therefrom, the word, "Madison," and inserting in lieu thereof, the word, "Levenworth."

And on the question, shall this amendment be adopted?

It was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lane, Lemon, Maxwell, Morgan, Robb, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Fletcher, Linton, Lomax, M'Kinney, Orr, Sering, Worth.

Mr. Stevens then moved to recommit the bill, as amended, to a select committee, with instructions to strike out all the points named, and provide that the commissioners named in said bill, shall locate said road, from Indianapolis to some convenient point on the Ohio river, to be by the said commissioners selected.

And before the motion was taken,

Mr. Linton moved to amend the foregoing instructions, by striking out the words, "*to some convenient point on the Ohio river, to be by the said commissioners selected;*" and inserting in lieu thereof, the words, "*by way of Greensburgh to Madison.*"

Which proposed amendment, Mr. Stevens, the mover, accepted as part of the original instructions.

Mr. Maxwell then moved to strike out the word, "Greensburgh" from the foregoing instructions, and insert in lieu thereof, the word, "Bloomington."

And on this question, shall the word, "Greensburgh" be stricken out, and the word "Bloomington" inserted?

It was determined in the negative—ayes 7, noes 15.

The ayes and noes being requested by two senators;

*Those who voted in the affirmative, were,*

Messrs. Daniel, Ewing, Givens, Lemon, Maxwell, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Depauw, Fletcher, Graham, Gregory, Lane, Linton, Lomax, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.

Mr. Robb then moved to amend the instructions aforementioned, by striking out the words, "*by way of Greensburgh,*" therefrom.

And on the question, shall these instructions be so amended?

It was determined in the negative—ayes 7, noes 15.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Graham, Lane, Lemon, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Givens, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.

And on the question, shall the bill be re-committed to a select committee, with the foregoing instructions, as modified?

It was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Fletcher, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Ewing, Givens, Graham, Lane, Lemon, Robb, Sering.

Ordered, That the committee consist of Messrs. Stevens, Maxwell and M'Kinney.

On leave granted, Mr. Stevens, from the select committee, to whom was referred the bill, to establish a state road from Lake Michigan, by way of Indianapolis to some convenient point on the Ohio river, with instructions to amend the same, now reported the bill to the senate, amended in conformity with the foregoing instructions.

Mr. Lemon, then moved to lay the bill on the table.

And on the question, shall the bill be laid on the table?

It was decided in the negative—ayes 5, noes 17.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Graham, Lemon, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Ewing, Fletcher, Givens, Gregory, Lane, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.

And on the question, shall the report of the committee be concurred in?

It was determined in the affirmative—ayes 16, noes 6.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Ewing, Fletcher, Givens, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Depauw, Graham, Lane, Lemon, Robb, Sering.

Mr. Stevens then moved, that the bill be considered as engrossed and pass to a third reading now.

And on the question, shall the bill be considered as engrossed, and pass to a third reading now?

It was determined in the affirmative—ayes 15, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Ewing, Fletcher, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Depauw, Givens, Graham, Lane, Lemon, Robb, Sering.

And thereupon,

The engrossed bill, to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river:

Was read a third time; when,

Mr. Lemon moved to recommit the bill to a select committee, with instructions so to amend it, that said commissioners shall meet at the town of Indianapolis, in place of Madison, and from thence proceed to examine the most eligible points on the Ohio; and after having made such examination, locate the point of termination of said road at such place as they or a majority of them may think will be of most benefit to the people of Indiana.

And on the question, shall the bill be committed with such instructions?

It was determined in the negative—ayes 8, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Ewing, Givens, Graham, Lane, Lemon, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Fletcher, Gregory, Lomax, Linton, Maxwell, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.

And on the question, shall this bill pass?

It was determined in the affirmative—ayes 15, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Ewing, Fletcher, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Depauw, Givens, Graham, Lane, Lemon, Robb, Sering.

So it was

*Resolved,* That this bill pass, and that it be entitled

An act, to establish a state road, from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river.

*Ordered,* That the secretary of the senate inform the house of representatives thereof, and request their concurrence.

And the Senate adjourned.

FRIDAY, JANUARY 1, 1830.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier their clerk:

MR. PRESIDENT:

The house of representatives, insist on the first and second amendments proposed by them, to the engrossed bill of the senate, entitled an act providing for the location, opening and improvement of certain state roads; and agree to the amendment proposed by the senate to the fourth amendment proposed by the house to said bill; they have receded from the sixth amendment proposed by them to said bill.

The house of representatives has passed an engrossed bill entitled,

"An act to incorporate the Jefferson county seminary society;"

In which I am directed to ask the concurrence of the senate.

The house has also passed an engrossed bill of the senate, entitled,

"An act to authorise the circuit court of the county of Vanderburgh to change the venue in a certain case;"

The Speaker of the house of representatives having signed enrolled bills of the following titles, viz:

An act, to incorporate the Crawfordsville seminary;

An act, authorising a re-assessment in Gibson county;

An act, concerning the state road, from Indianapolis to Crawfordsville and Lafayette:

An act to amend an act entitled an act to amend an act entitled an act for the incorporation of county libraries, approved, February 7th, 1825; and,

A memorial of the general assembly of the state of Indiana, upon the subject of continuing the construction of the Cumberland road; and,

A joint resolution to fill a vacancy in the board of visitors to the Indiana college;

I am directed to bring the same up to the senate for the signature of their President.

The enrolled bills, last reported from the house of representatives as having been signed by the Speaker, were now signed by the President of the senate, and handed to the committee on enrolled bills, to be laid before the governor for his approval and signature.



Mr. Maxwell, from the joint committee on enrolled bills, now reported that they have compared the following enrolled with the engrossed bill entitled,

An act to provide for the removal of obstructions to the navigation of Eel river:

And find the same truly enrolled.

The senate now proceeded to consider their several objections to the two first amendments proposed by the house of representatives, to the engrossed bill of the senate entitled an act providing for the location, opening an improvement of certain state roads.

And the same having been read and considered:

*Ordered*, That the senate recede from their objections to said amendments, and that the secretary inform the house of representatives thereof.

The engrossed bill from the house of representatives, entitled an act to incorporate the Jefferson county seminary society:

Was read a first time.

*Ordered*, That it pass to a second reading.

Mr. Gregory from the standing committee on roads to whom was referred an engrossed bill from the house of representatives, establishing a state road from Middletown, in Shelby county, via Moscow, in Rush county, to intersect the Brookville state road, at or near Erasmus Aldridge's—have agreed to report the bill back with an amendment, by striking out of the first section, the names of Henry S. Misner, of Shelby county, and Nathan Julian, of Rush county:

Which report was read.

*Ordered*, That it be concurred in.

Mr. Graham from the select committee, to whom was referred, an engrossed joint resolution, relative to the three per cent. fund, "with instructions to amend the same, so as to authorise the agent of the three per cent. fund, to pay over to Cornelius Berkshire, commissioner of the road, No. 11, such sum or sums as are, or may be due to that part of the road of which he is commissioner in proportion to the length thereof;" and also to strike out the preamble of said resolution;

The committee herewith report the joint resolution; they have amended it, by striking out the preamble; they have further amended it, by striking out the resolution, from the word "resolved," in the first line, and inserting in lieu thereof, an amendment, which they herewith submit to the senate:

Which report was read and concurred in, and the amendment proposed, being also read, was adopted:

*Ordered*, That it be considered as engrossed, and with the joint resolution, pass to a third reading now.

The engrossed joint resolution relative to the three per cent. fund from the house of representatives, as amended in senate, Was read a third time.

*Resolved*, That this joint resolution pass,

And that the secretary of the senate inform the house of representatives thereof, and request concurrence in the said amendments.

Mr. Ewing, from the select committee to whom was referred "a bill to regulate the mode of doing county business in the several counties, in this state;" and an engrossed "bill to authorise the qualified voters of the different townships in the county of Harrison, to elect their township officers;" have had the same under consideration, and now report the first mentioned bill stricken out from the enacting clause, and amendments inserted to correspond with the expressed views of the senate. The bill of the second mentioned title is reported without amendment, and the committee ask to be discharged from the further consideration thereof; its enactments being embraced in the general bill, which constitutes this report:

Which report was read and concurred in.

*Ordered*, That the committee be discharged from the further consideration of the last mentioned bill;

And that it lie on the table.

The amendments proposed by the select committee to the bill to regulate the mode of doing county business in the several counties in this state;

Were read a first time, concurred in, and by common consent,

*Ordered*, To be committed to a committee of the whole senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives concur in the amendment proposed by the senate to the joint resolution of the house, relative to the three per cent. fund.

The Speaker of the house of representatives having signed the enrolled bill, entitled

"An act, to provide for the removal of obstructions to the navigation of Eel river;"

I am directed to bring the same up to the senate for the signature of their President.

The enrolled bill, last reported from the house of representatives, as having been signed by the Speaker of that house, was now signed by the President of the senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

And on motion,

The senate adjourned to nine o'clock to-morrow morning.

---

SATURDAY, JANUARY 2, 1830.

The Senate assembled.

Mr. Gregory presented the petition of Pearson Murphy, James Gilbreath and other citizens of Johnson county, praying an alteration in a certain state road therein named:

Which was read.

*Ordered*, That it be referred to the same committee, to whom was referred another petition on the same subject.

Mr. Stevens, from the committee on the judiciary to whom was referred a resolution of the senate, instructing them to enquire into the expediency of so amending the statute, regulating the issue of, and proceedings on writs of execution as to authorize the issue of a *capias ad satisfaciendum* on judgments before justices of the peace and in criminal cases, without either the affidavit now required on the return of "*no goods and chattels, &c.*" on a fieri facias—report:

That they have performed that duty, and are of opinion, that the amendments suggested by the resolution referred to them are inexpedient, and therefore ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be discharged.

Mr. Stevens, from the committee on the judiciary to whom was referred a resolution of the senate requiring them to make sundry amendments to the statutes regulating estray animals, if they should deem such amendments expedient—report:

That they have performed the duty assigned them and find that there are many defects in those statutes other than those suggested, but that the defect cannot well be remedied without an intire revision of those statutes, and in as much as the statutes of the states must undergo an intire revision within some very limited period, the committee believe the amendments suggested unnecessary at this time, and therefore

ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be so discharged.

Mr. Orr, from the select committee to whom was referred the petition J. S. Hanna and others, praying that Morris Michaels be authorized to build a ware house opposite to lots No. 11 or 12, in the town of Lafayette, have had that subject under consideration, and are of opinion, that it is inexpedient to legislate thereon; and therefore ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be discharged.

Mr. Orr, submitted for the consideration of the senate the following resolution:

*Resolved*, That the agent of the three per cent. fund, be requested to lay before the senate a statement of the sum drawn by the commissioner on the road from Indianapolis to Lafayette, the time when drawn and the manner of its expenditure; the expense of locating said road or others of a similar length, and whether it is usual for commissioners on roads to draw all the money before the work is put under contract:

Which was read, and adopted.

Mr. Worth submitted for the consideration of the senate the following resolution:

*Resolved*, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the expediency of ordering a sale of the lands of the state, adjoining the town of Indianapolis:

Which was read and adopted.

On leave granted Mr. Claypool introduced a bill to improve the navigation of White Water river and its branches:

Which was read the first time.

*Ordered*, That it pass to a second reading.

On motion by Mr. Gregory.

The resolution proposed by Mr. Linton, instructing the committee on education, to bring in a bill vesting the funds arising from the sale of school lands in a fund, to be loaned on proper securities, with the proposed amendment thereto, both of which were laid on the table on the 29th ult. were now taken up, and read: when,

Mr. Graham moved to amend the preamble to the proposed amendment by striking out the words "and canal lands."

And previous to taking any question on the proposed amendment to the amendment,

The Senate adjourned.

*Two o'clock P. M.*

The Senate assembled.

Mr. Fletcher, from the joint committee on enrolled bills, now reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act, concerning the state road from Indianapolis to Crawfordsville and Lafayette;

An act to amend an act, entitled an act, to amend an act, entitled an act, for the incorporation of county libraries—approved, February 7th, 1825;

An act, authorising a re-assessment in Gibson county;

An act, to incorporate the Crawfordsville seminary: and  
sc, a

Memorial of the general assembly of the state of Indiana on the subject of continuing the Cumberland road;

A joint resolution, to fill a vacancy in the board of visitors to the Indiana college; and

An act to provide for the removal of obstructions to the navigation of Eel river.

The senate resumed the consideration of the resolution on the subject of vesting the proceeds arising from the sale of school lands in some permanent fund; and the amendment proposed by Mr. Graham, to the amendment proposed by Mr. Sering, being still under consideration, which was by striking out of the preamble of the amendment proposed by Mr. Sering the words, "and canal lands."

And on the question shall this amendment be adopted?

It was determined in the negative—ayes 8, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Fletcher, Givens, Graham, Lemon, Orr, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Gregory, Linton, Lomax, Maxwell, Morgan, Sering, Stevens, Watts.

And the amendment, as proposed by Mr. Sering, being read as follows, to wit:

WHEREAS, The fund which will necessarily arise from the sale of the salt lick reservations, university and canal lands, being placed within the controul of the state, require their investment in some productive stock; and whereas a bank based upon such securities, would greatly aid the state, in a proposed system of internal improvement, affording facilities to, and could not fail to secure general confidence: Therefore,

*Resolved*, That a select committee be requested to report a bill organizing a state bank, based upon the said securities.

And upon the question, shall the original resolution, as proposed by Mr. Linton, be stricken out from the resolving clause, and the foregoing amendment adopted?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Fletcher, Gregory, Linton, Maxwell, M'Kinney, Morgan, Sering, Watts.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Ewing, Givens, Graham, Lemon, Lomax, Orr, Robb, Stevens, Worth.

Mr. Ewing offered the following as an amendment to the resolution proposed by Mr. Linton, to wit:

“And also to enquire into the expediency of creating a fund to be entitled the internal improvement fund to be under the management of state commissioners for the advancement of the great state interest, whose means are invested therein.”

Mr. Graham then proposed to amend the amendment offered by Mr. Ewing, by striking out the words “to enquire into the expediency of” and insert in lieu thereof the words, “shall be required to report a bill.”

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 7, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Graham, Gregory, Lemon, Robb, Stevens.

*Those who voted in negative, were,*

Messrs. Blair, Depauw, Ewing, Fletcher, Givens, Linton,

Lomax, Maxwell, M'Kinney, Morgan, Orr, Sering, Watts, Worth.

And on the question, shall the original resolution offered by Mr. Linton, be amended as proposed by Mr. Ewing?

It was determined in the negative—ayes 8, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Ewing, Linton, Morgan, Robb, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Lomax, Maxwell, M'Kinney, Orr, Sering.

The original resolution as proposed by Mr. Linton being then read as follows, to wit:

*Resolved,* That the committee on education be instructed to report a bill embracing provisions which shall provide for the payment by the respective school commissioners of this state, into the state treasury, all monies that may hereafter arise from the sale of school lands, and for the loaning of the same, by the state upon proper securities, with a guarantee to the several congressional townships, of interest, at the rate of six per cent., upon such sum as may have been derived from them respectively,"

And on the question, shall this resolution be adopted?

It was determined in the negative—ayes 4, noes 17.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Linton, Stevens.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Lomax, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Watts, Worth.

The following message was received from the house of representatives by Mr. Hannegin, their enrolling clerk, to wit:

MR. PRESIDENT:

I am instructed by the house to inform the senate that the house has passed the following joint resolution, viz:

A joint resolution allowing compensation to Philip Hedges for distributing the laws and journals.

In which the concurrence of the senate is requested.

The joint resolution last reported from the house of representatives, for concurrence:

Was read a first time.

*Ordered*, That it pass to a second reading.

The joint resolution was then read a second time, two thirds of the senate consenting thereto.

*Ordered*, That it be committed to the committee on claims to consider and report thereon.

And the Senate adjourned.

MONDAY, JANUARY 4, 1830.

The Senate assembled.

Mr. Orr presented the remonstrance of Elias Harris, Levi Jessup, and three hundred and twenty-eight others, against any alteration in the state road from Indianapolis, by Rockville and Danville, to Montezuma:

Which was read, and referred to the committee on roads.

Mr. Blair presented the petition of Peter Brown and others, of Fountain county, praying a relocation of the seat of justice of that county:

Which was read, and referred to the same committee; to whom the said subject has been heretofore referred.

Mr. Givens, from the committee on elections, to whom was referred so much of the governor's message, as relates to contested elections—reported,

That they have had that subject under their consideration, and have directed him to report, that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Stevens, from the committee on the judiciary, to whom was referred a resolution of the senate, instructing them to enquire into the expediency of reporting a bill, to the senate, de-



fining the rights of citizens of other states, travelling through this state, with any species of property, deemed and held as such, by the constitution of the United States, or of any one of the states—report,

That they have had that resolution under their consideration, and are of opinion that it is inexpedient to legislate on the subject, and therefore ask to be discharged from any further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Stevens, from the committee on the judiciary, to whom was referred a resolution of the senate; directing them to enquire into the expediency of punishing, by fine or imprisonment, those who may sell spiritous liquors to Indians within the limits of the state—report,

That they have made that enquiry, and are satisfied, that the traffic with the Indians, in regard to spiritous liquors, ought to be more restricted than it is; yet, they decline, at this time, recommending any legislation on that subject. The committee believe that the laws of the state will, very shortly be extended over the Indian tribes residing within the limits of the state, and that proper and definite provision must then necessarily be made, to enforce those laws, and to regulate our intercourse with those Indians. The committee, therefore, ask to be discharged from the further consideration of the resolution.

Which report was read, and laid on the table.

On motion by Mr. Stevens,

The resolution of the judiciary committee, on the petition of Abraham Charles, one of the heirs of John Charles, deceased, and Samuel Charles, guardian to the infant heirs of said John Charles, deceased, which was laid on the table on the 21st ultimo, was now taken up, and read as follows, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

*Ordered*, That the resolution be adopted.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act, providing for the location, opening and improvement of certain state roads;

An act, to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case therein named;

And a joint resolution, relative to the three per cent. fund;

And find the same truly enrolled.

The following message was received from the Governor, by Mr. Sharpe, his private secretary;

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform the senate that he did, on this day, approve and sign,

An act, to provide for the removal of obstructions to the navigation of Eel river;

An act, to amend an act, entitled an act, to amend an act, entitled an act, for the incorporation of county libraries—approved, February 7th, 1825; and

A memorial of the general assembly of the state of Indiana upon the subject of continuing the construction of the Cumberland road; all of which originated in the senate.

Mr. McKinney, from the military committee, to whom were referred sundry resolutions of the senate—reported,

That they have had the same under consideration, and have directed him to report, to wit:

1st. Upon the resolution to enquire into the expediency of revising the militia law; That a revision of that law is at this time unnecessary.

2d. Upon the resolution to enquire into the expediency of repealing so much of the militia law, as imposes a fine on non-commissioned officers and privates, for appearing on parade, without musket, fuzee or rifles; and also, to repeal so much of said law, as requires more than one company and one regimental muster in each year: that it is inexpedient to legislate upon the subjects of said resolution.

3d. Upon the resolution to enquire into the expediency of exempting from a fine, for the want of arms, such of the militia of this state, as are not the owners or possessors of arms, at the times required to perform military duty; that further legislation is unnecessary, adequate provision in those cases, being made by the existing law.

4th. Upon the resolution referring so much of the governor's message, as relates to the militia: that the radical change in the organization of the militia, as recommended by the message, could not be adopted with advantage, either to the improvement of the militia, or the tranquility of the state.

5th. Upon the resolution to enquire "whether the present existing laws authorize any compensation to be made to militia officers for their services in travelling to and from, and sitting on courts martial; and if (by a fair constructions,) the 84th, 56th and 43d, or any other sections of the aforesaid act, permit the payment of such claims out of the state treasury under any pretext whatever:" That they have examined the

sections referred to, and others of said act, and are of opinion, that no construction of said act, warrants the payment from the state treasury, of compensation to militia officers, for the above mentioned services.

6th. Upon the resolution, to enquire into the expediency of organizing the militia of Warren and Hancock counties, into regiments: that a bill will be reported, to provide against the inconvenience to which the militia of those counties are now subject; and ask to be discharged from the further consideration of said resolutions.

*Ordered*, That the committee be discharged.

Mr. M'Kinney, from the committee on military affairs, to whom the several subjects had been referred—now introduced

A bill, amendatory of the several acts, regulating the militia of the state of Indiana:

Which was read a first time, and passed to a second reading.

Mr. Morgan, from the committee on claims, to whom was referred an engrossed joint resolution, allowing compensation to Philip Hedges, for distributing the laws and journals—report,

That they have had the joint resolution under consideration, and now report the same back to the senate without amendment, and recommend its passage:

Which report was read.

*Ordered*, That the joint resolution, with the report, be committed to a committee of the whole senate.

On motion by Mr. Fletcher,

*Resolved*, That the committee of ways and means, be requested to enquire into the propriety of repealing so much of the first section of an act, entitled an act, for assessing and collecting the revenue—approved; January 30th, 1824, as requires fifty cents to be paid to the clerk of the circuit court, on each original suit or complaint, commenced and prosecuted in the circuit court, before process issues against the defendant.

Mr. Depauw offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That a select committee be appointed, whose duty it shall be to report a bill to this house, guaranteeing to the owners of slaves, while travelling through this state, the legal protection of such property, while so travelling from and to any other state or territory, under the jurisdiction of the United States, such claim being tenable under the laws and customs of the states or territories, respectively from which such slaves may have been removed:

Which was read.

And on the question, shall this resolution be adopted?

It was determined in the negative—ayes 9, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Robb, Watts.

*Those who voted in negative, were,*

Messrs. Blair, Claypool, Daniel, Fletcher, Lomax, Maxwell, M'Kinney, Morgan, Orr, Sering, Stevens, Worth.

Mr. Linton offered for consideration and adoption, the following resolution, to wit:

*Resolved,* That a select committee, to consist of five senators, to act on the part of the senate, with a similar committee, on the part of the house of representatives, to enquire into the expediency of funding the avails of all school lands, salt lick reservations, college lands, Michigan road lands, canal lands, and the three per cent. fund, and if deemed expedient, to report to their respective branches, of the general assembly, a system which shall preserve unimpaired the respective funds, assuring a dividend of interest annually applicable to the several objects.

Mr. Graham moved to amend the resolution, by striking out the words, "Michigan road lands, canal lands, and the three per cent fund."

Which amendment was not adopted—ayes 7, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Depauw, Givens, Graham, Lemon, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Ewing, Fletcher, Gregory, Linton, Lomax, Maxwell, Morgan, Sering, Stevens, Watts, Worth.

The resolution was then, by common consent, amended, by striking out so much as relates to a joint committee on the part of the house of representatives, and was thereupon adopted as amended, and Messrs. Linton, Sering, M'Kinney, Fletcher

and Maxwell, were appointed the committee contemplated thereby.

Mr. Ewing asked, and obtained leave, to introduce a joint resolution, to authorize the auditor to allow, and the treasurer of state to pay, all just claims of Julius Johnson, former collector of Martin county, and to provide for the relief of said Johnson and his securities:

Which was read, and passed to a second reading.

The President laid before the senate, a communication from B. I. Blythe, agent of the three per cent. fund, in compliance with a resolution of the senate of Saturday last, relative to the state road, leading from Indianapolis to Lafayette:

Which was read, and laid on the table.

And the senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The bill, to amend an act, relative to navigable streams, declared public highways, by the ordinance of congress of 1787—approved, January 23, 1829:

Was read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

The engrossed bill, from the house of representatives, to establish a state road, from George Kline's in Franklin county, to intersect the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county;

Was read a second time; and

On motion by Mr. Robb, amended, by striking out the following words, to wit: "So soon as the one hundred thousand dollars shall have been paid."

*Ordered,* That it pass to a third reading.

The bill to incorporate the Greencastle seminary society:

Was read a second time.

*Ordered,* That it be engrossed and pass to a third reading.

The engrossed bill, from the house of representatives, supplemental to an act, entitled an act, for the opening a state road in the county of Allen:

Was read a second time.

*Ordered,* That it pass to a third reading.

The engrossed joint resolution, from the house of representatives, relative to the establishment of a medical college:

Was read a second time; when,

Mr. Gregory moved, that it be indefinitely postponed.

And on the question, shall the further consideration of this joint resolution, be indefinitely postponed?

It was determined in the negative—ayes 8, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Lomax, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Ewing, Linton, Maxwell, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

Mr. Depauw then moved to amend the said resolution, by striking out the word "two," and inserting in lieu thereof, the word "one;" the object of which motion, was so to amend the resolution, as to ask for but one township of land, instead of two townships, (as contemplated by the resolution,) for the establishment of a medical college:

Which motion did not prevail.

*Ordered,* That it pass to a third reading.

The bill to authorise the boards doing county business, to improve the navigation of streams:

Was read a second time.

*Ordered,* That it be engrossed and pass to a third reading.

The engrossed bill, from the house of representatives, to incorporate the Jefferson county seminary society:

Was read a second time.

*Ordered,* That it pass to a third reading.

The bill to improve the navigation of White water river and its branches:

Was read a second time.

*Ordered,* That it be committed to a select committee, composed of Messrs. Depauw, Claypool, and M'Kinney, to consider and report thereon.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The Speaker of the house of representatives having signed enrolled bills, of the following titles, viz:

An act, providing for the location, opening and improvement of certain state roads;

An act, to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case, therein named; and

An enrolled joint resolution, relative to the three per cent. fund;

I am directed to bring the same up to the senate for the signature of their President.

The enrolled bills, last reported from the house of representatives, as having received the signature of the speaker, were now signed by the president of the senate, and handed to the committee on enrolled bills, to be laid before the governor for his approval and signature.

The engrossed bill, concerning clerk's offices:

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled "an act."

The engrossed bill, from the house representatives, to establish a state road from Middletown in Shelby county, via Moscow, in Rush county, to intersect the Brookville state road, at or near Erasmus Aldridge's:

Was read a third time as amended.

*Resolved*, That this bill pass.

*Ordered*, That the assistant secretary inform the house of representatives of the passage of the foregoing bills, and request concurrence in the first mentioned bill, and in the amendment, proposed to the last mentioned bill.

The senate, according to order, resolved itself into committee of the whole on the bill, securing to mechanics and others, payment for their labour, and materials, expended in permanent improvements on real estate; Mr. Blair in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate, with one amendment; which was by striking out the first section, which read as follows, to wit:

Sec. 1. *Be it enacted, by the General Assembly of the State of Indiana*, That when any contract shall hereafter be made in writing, between the proprietor or proprietors of land, on the one part, and any person or persons on the other part, for the erecting or repairing any house or other building, or their appurtenances, or making on said land, other valuable and permanent improvement, or for furnishing labour or materials, for the purpose aforesaid, the person or persons, who shall, in pursuance of such contract, have furnished labour or materials, for such purposes, shall have a lien to secure the payment of the same, upon such building or improvement, and the lot of land, on which the same is erected or made, and upon the

right of redeeming the same, when the same has been previously conveyed in mortgage: *Provided, always,* That no such lien shall attach, unless such contracts shall have been recorded in the recorder's office, in the county in which the land, on which the house, building, or other improvement stands or has been made, lies; and no lien created by this act, shall continue in force more than six months, from the time when the last instalment shall fall due, by the contract by which such lien shall be claimed, unless a legal process shall have been commenced for the purpose of enforcing the same.

And on the question, will the senate concur in the amendment made in committee of the whole?

It was determined in the negative—ayes 8, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel Depauw, Lomax, Maxwell, M'Kinney, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Fletcher, Givens, Graham, Gregory, Lemon, Orr, Robb, Sering,  
And the Senate adjourned.

TUESDAY, JANUARY 5, 1830.

The Senate assembled.

Mr. Graham, from the committee of ways and means, to whom was referred a resolution of the senate, "instructing them to enquire into the propriety of repealing so much of the first section of an act, entitled an act for assessing and collecting the revenue," approved, January 30, 1824, as requires fifty cents to be paid to the clerk of the circuit court, in each original suit or complaint commenced and prosecuted in the circuit court, before process issue against the defendant"—report:

That they have considered the same, and that, under the provisions of the constitution, bills in relation to revenue, should originate in the house of representatives, leaving to the senate the right to amend. When a revenue bill shall have been re-



ported from that house, it will be a matter of consideration with the senate to adopt or reject the proposition contained in the resolution.

The committee therefore ask to be discharged.

*Ordered*, That the committee be discharged.

Mr. Givens submitted for the consideration of the senate the follow resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending the act subjecting real and personal property to execution, approved, January 30, 1824, so as to exempt the tools of mechanics necessary to enable them to carry on their business from execution, with leave to report by bill or otherwise:

Which was read, and not adopted.

The bill amendatory to the act regulating the militia of the state of Indiana:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

An act for the relief of Claudius G. Brown.

In which I am directed to ask the concurrence of the senate.

The engrossed bill last reported from the house of representatives for concurrence:

Was read a first time;

And passed to a second reading.

The joint resolution to authorise the auditor of public accounts to allow, and the treasurer of state to pay all just claims of Julius Johnson, former collector of Martin county, and to provide for the relief of said Johnson and his securities:

Was now read a second time.

On motion,

*Ordered*, That it be referred to the committee of ways and means.

The engrossed bill from the house of representatives, to establish a state road from George Kline's, in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county:

Was read a third time, as amended in senate.

*Resolved*, That this bill pass.

*Ordered*, That the assistant secretary inform the house of representatives thereof, and request concurrence in the amendment.

The engrossed joint resolution of the house of representatives, relative to the establishment of a medical college, was now taken up, read a third time; when,

Mr. Gregory moved the adoption of the following resolution, to wit:

*Resolved*, That the joint memorial be referred to a select committee with instructions so to amend the same, that we ask for two townships of land to be granted for the exclusive purpose of educating the poor and orphan children in the state of Indiana; which being read,

Mr. Robb proposed to amend the instructions by adding thereto the following, to wit:

"And also two townships of land to aid the state of Indiana in erecting asylums for the poor," which amendment was accepted as a part of the original by Mr. Gregory.

And on the question, shall the resolution proposed by Mr. Gregory, as amended by Mr. Robb, be adopted?

It was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Lomax, M'Kinney, Morgan, Orr Robb, Stevens.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Linton, Maxwell, Sering, Watts, Worth.

*Ordered*, That Messrs. Gregory, Lomax and Ewing, be the select committee in conformity with the foregoing resolution.

The engrossed bill from the house of representatives, entitled an act supplementary to an act entitled an act for the opening a state road in the county of Allen:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, to incorporate the Jefferson county seminary:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill to incorporate the Greencastle seminary society:

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled, "An act."

The engrossed bill to authorize the boards doing county business to improve the navigation of streams:

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled, "An act."

*Ordered*, That the assistant secretary of the senate, inform the house of representatives of the passage of the foregoing four several bills; and request concurrence in the two bills last mentioned.

The senate, according to order, resolved itself into committee of the whole, on the joint resolution on the subject of the tariff; Mr. Claypool in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the same to the senate, with progress made therein and a request for leave to sit again.

And in the question, shall the committee of the whole senate have leave to sit again on said resolution?

It was determined in the negative.

On motion by Mr. Ewing,

*Ordered*, That it be referred to a select committee to consider and report thereon.

*Ordered*, That Messrs. Ewing, Linton and Robb be the select committee in conformity to the last mentioned resolution.

Mr. Fletcher, from the joint committee on enrolled bills, now reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act, to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case therein named;

An act, providing for the location, opening and improvement of certain state roads; and also,

And a joint resolution, relative to the three per cent. fund.

On motion by Mr. Depauw,

*Ordered*, That the committee of the whole senate be discharged from the further consideration of the bill to improve the navigation of Lost river, and Lick creek and for other purposes; and that it be referred to the same select committee, to whom was referred the bill for the improvement of the White Water rivers; to consider and report thereon.

The senate, according to order, resolved itself into commit-

tee of the whole, on the engrossed joint resolution, on the subject of graduating the price of the public lands and donating the refuse to actual settlers; Mr. Daniel in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and Mr. Chairman reported the same to the senate with one amendment, which was by striking the same out from the resolving clause; and previous to taking the question on concurrence therein,

Mr. Robb proposed to strike out the words "half quarter" and insert in lieu thereof "one quarter."

Mr. Gregory also moved to amend the same by striking out all that part of the said resolution relative to graduating the price of public lands;

Both of which proposed amendments were adopted.

The joint resolution being then read, as amended as follows, to wit:

An engrossed joint resolution on the subject of graduating the price of the public lands, and donating the refusal to actual settlers.

*Resolved by the General Assembly of the State of Indiana* That our senators be instructed and our representatives in congress requested to procure, if practicable, the passage of a law by the general government which will ensure the sale or disposal of all the unsold lands, in this state, which have been in market, since the formation of the state government, on the following condition, to wit:

1. That the lands be sold in such regular subdivisions, as will best suit purchasers, at any price they will bring, not less than twenty-five cents per acre.

2. That all the lands, which shall remain unsold, at the expiration of two years, after it shall have been in market as aforesaid to be donated to actual settlers, but not donating to exceed one quarter section to any one person.

*Resolved,* That his Excellency the Governor be directed to furnish each of our senators and representatives in congress, with a copy of the foregoing resolutions.

On the question, will the senate concur in the amendment made in committee of the whole; to said resolution?

It was determined in the affirmative—ayes 15, noes 6.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Watts.

*Those who voted in the negative, were,*

Messrs. Claypool, Lemon, Morgan, Robb, Stevens, Worth.

The Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The senate resumed the consideration of the engrossed joint resolution from the house of representatives, on the subject of graduating the prices of the public lands, and donating the refuse to actual settlers.

And on motion by Mr. Maxwell,

*Ordered*, That it be indefinitely postponed.

The senate according to order, again resolved itself into committee of the whole, on the engrossed joint resolution from the house of representatives, entitled a joint resolution, relative to the Cumberland hospital, and a resolution of the state of Tennessee relative to the hospital at Memphis; Mr. Ewing in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, the Chairman reported the said resolution of the house of representatives to the senate, with one amendment, which was by striking the same out from the resolving clause:

Which amendment was concurred in.

Mr. Robb then moved to recommit the resolution aforesaid to a select committee with instructions to provide, and report to the senate a memorial to the congress of the United States, praying a grant of one township of land for the benefit of a hospital at Memphis, in the state of Tennessee, and one township of land for the benefit of an hospital at Smithfield, in the state of Kentucky.

Mr. Givens moved to amend the instructions by adding, the following, to wit:

"And one township of lands for the benefit of a hospital at Mount Vernon, Posey county, in the state of Indiana;" which proposed amendment was accepted by Mr. Robb, as a part of his proposition.

Mr. Linton then moved to further amend said proposed instruction by adding the following, viz:

"And one township of land for each judicial circuit;" which proposed amendment of Mr. Linton's was not adopted.

On the question, shall the resolution be so committed with the instructions proposed by Mr. Robb.

It was determined in the negative,

And on motion by Mr. Stevens,

The further consideration of said resolution was indefinitely postponed.

The senate, according to order, resolved itself into committee of the whole, on the memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of certain saline reserves; Mr. Fletcher in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the joint resolution to the senate, with sundry amendments, which were read and concurred in.

Mr. Ewing then moved to amend the said joint resolution by adding thereto the following, to wit:

"And congress is requested to place a clause in the transfer and authority, to sell said reserves, requiring of the general assembly of this state to appropriate the proceeds of the same to purpose, and to no other:

Which being read;

Mr. Orr moved to fill up the blank in the proposed amendment, with the words, "township schools;" which motion prevailed.

And on the question, shall the amendment proposed by Mr. Ewing, as amended by Mr. Orr, be adopted?

It was determined in the negative.

The resolution as amended in committee of the whole, was then,

*Ordered*, To be engrossed and pass to a third reading.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives, has passed an engrossed bill of the senate entitled,

An act to establish a state road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio river, with amendments in which I am directed to ask the concurrence of the senate.

And on motion by Mr. Fletcher,

*Ordered*, That the bill to establish a state road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river together with the amendments made thereto by the house of representatives lie on the table.

And the Senate adjourned.

WEDNESDAY, JANUARY 6, 1830.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

I am instructed to inform the senate that the house of representatives concur in the amendments proposed by the senate to the engrossed bills of the house of the following titles, viz:

An act to establish a state road from George Kline's, in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county; and,

An act to establish a state road from Middletown, in Shelby county, via Moscow, in Rush county, to intersect the Brookville state road at or near Erasmus Aldridge's.

Mr. Graham from the committee of ways and means to whom was referred the joint resolution for the relief of Julius Johnson former collector of the revenue of Martin county, and securities—report:

That they have considered the same, and have directed him to report said resolution back to the senate without amendment.

The committee ask leave to recommend the adoption of the following resolution, to wit:

*Resolved*, That the further consideration of said joint resolution be postponed indefinitely.

*Ordered*, That the resolution be adopted.

Mr. Fletcher from the committee on the affairs of the town of Indianapolis, to whom was referred a resolution to enquire into the expediency of making an appropriation out of the Indianapolis fund sufficient to purchase a fire engine, and for providing for the incorporating a fire company at the town of Indianapolis, with such powers and privileges as will enable them to preserve public and private property, in said town, from accidents by fire, have directed him to report a bill providing for the preservation of the public buildings at Indianapolis, from fire:

Which was read a first time.

And passed to a second reading.

On motion by Mr. Lomax,

The engrossed bill entitled an act to establish a state road from Lake Michigan by way of Indianapolis to some convenient point upon the Ohio river; which was yesterday, with the

amendments proposed by the house of representatives, to the same, laid on the table, was now taken up; when,

Mr. Graham moved to concur in so much of the first amendment proposed by the house of representatives, as proposes to strike out "Greensburgh and Madison."

And a division of the question being called for, by Mr. Robb in its most simple form, the question was first put on striking out "Greensburgh:"

And determined in the negative—ayes 9, noes 12.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Graham, Lemon, Maxwell, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Fletcher, Gregory, Linton, Lomax, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

And on the second division of the question, will the senate concur in the amendment proposed by the house of representatives, to said bill, by striking out "Madison"?

It was determined in the negative—ayes 9, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Graham, Lemon, Maxwell, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Fletcher, Gregory, Linton, Lomax, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

The residue of the amendments proposed by the house of representatives, to said bill, were then read as follows:

To Martinsville, Bloomington, Washington, Petersburg, and Princeton to the Ohio river, at Evansville."

Sec. 2. By striking out the second section and inserting the following: "That Samuel Hannah, of the county of Wayne; William Polke, of the county of Knox; and Abraham M'Clelland of the county of Sullivan, be, and they are hereby appointed commissioners on said road, whose duty it shall be to meet



at the town of Indianapolis, on the first Monday in May next, or so soon thereafter as they can agree on, and after taking an oath well and truly to do and perform all and singular the duties enjoined on them by this act before some justice of the peace, they shall proceed to examine and mark out the said road from the said town of Indianapolis, through the said towns aforesaid, to the Ohio river, at the said town of Evansville, for which purpose they are hereby empowered to employ a surveyor, chain bearers and all other necessary assistance; and when the said survey shall have been completed, it shall be the duty of said commissioners to file in the office of the secretary of state, a true copy and plat of such surveys and also of the courses and distances and field notes of the same.

Sec. 3. By striking out in the eighth section from the word "location" in the third line to the word "to" in the fifth line and insert the following "of said road."

And on the question, will the senate concur in the residue of the proposed amendments.

It was determined in the negative—ayes 8, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Givens, Graham, Lemon, Maxwell, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Fletcher, Gregory, Linton, Lomax, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

*Ordered,* That the assistant secretary inform the house of representatives, that the senate refuse to concur in the amendments proposed by that house to the aforesaid bill.

The engrossed bill from the house of representatives, for the relief of Claudius G. Brown:

Was read a second time.

And on motion by Mr. Ewing,

*Ordered,* That it be referred to a select committee to consider and report thereon.

*Ordered,* That Messrs. Ewing, M'Kinney and Sering be that committee.

The engrossed memorial of the general assembly of the state of Indiana to the congress of the United States, on the subject of certain saline reserves:

Was read a third time.

*Resolved*, That this engrossed memorial pass; and that the house of representatives be informed thereof and their concurrence requested.

Mr. Daniel, offered for the consideration and adoption of the senate, the following:

WHEREAS, it has this moment been announced to the senate, that the Honorable D. C. LANE, senator from the county of Harrison, departed this life, at his lodging on this day: Therefore,

*Resolved*, That a committee of three be appointed to make the necessary arrangements, preparatory to his funeral, and that the house of representatives, be informed.

*Resolved*, That as a tribute of respect for the deceased, each member of the senate will wear crape on the left arm for thirty days.

*Resolved*, That when the senate adjourn, it be to two o'clock, to-morrow afternoon.

*Ordered*, That Messrs. Daniel, Graham and Depauw be the committee, in conformity with the foregoing resolution.

And the Senate adjourned.

THURSDAY, TWO O'CLOCK, P. M. JANUARY 7, 1830.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Basset, a member:

MR. PRESIDENT:

The house of representatives, has receded from the amendments proposed by them, to the engrossed bill of the senate, entitled

"An act, to establish a state road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio river."

Mr. Morgan presented the petition of Drury Holt and Vincent Cooper, lessees of a school section in range nine, township 14, in Rush county, praying relief in a certain case therein stated:

Which was read.

*Ordered*, That it be referred to the committee on claims, to consider and report thereon.

Mr. Fletcher presented the remonstrance of John M. Cool,

Cornelius Smith and others, against any alteration in a state road therein named:

Which was read.

*Ordered*, That it be referred to the same select committee, to whom was referred sundry petitions on that subject.

The bill providing for the preservation of the public buildings at Indianapolis from fire:

Was read a second time.

*Ordered*, That it be considered as engrossed, and pass to a third reading.

Mr. Depauw, from the select committee to whom was referred two several bills, to wit:

A bill to improve the navigation of White Water river and its branches; and

A bill to improve the navigation of Lost river and Lick creek, and for other purposes, together with the pending amendments, now reported that they have had those subjects under their consideration, and have directed him to report to the senate an amended bill under the title last aforesaid, which said amended bill embraces the several objects so referred, with some alterations; and recommend that the said first named bill, together with the said pending amendments to the latter be laid on the table.

The amendments proposed by the select committee to the said last mentioned bill, having been read, was concurred in.

*Ordered*, That the bill for the improvement of the navigation of White Water river and its branches, with the accompanying proposed amendments thereto, be laid on the table.

Mr. Givens then moved to amend the same, by adding thereto, the following as an additional section:

"That one hundred dollars out of the three per cent. fund, be appropriated to improve the navigation of Big Creek, in Posey county, from its mouth to James Black's mills, and James Duckworth, is appointed a commissioner to draw and superintend the same.

And on the question, shall the amendment, proposed by Mr. Givens, be adopted?

It was determined in the affirmative.

Mr. Stevens then moved to amend the said reported amendment, by adding thereto, the following, as an additional section:

"Sec. That the sum of three hundred dollars out of the three per cent. fund be, and the same is hereby appropriated towards building a bridge over Plumb creek, in the county of Switzerland, on the state road leading from Madison, in Jeffer-

son county, by the way of Vevay and Rising Sun, to Lawrenceburgh, in Dearborn county.

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 5, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, M'Kinney, Orr, Robb, Stevens.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Lomax, Maxwell, Sering, Watts, Worth.

Mr. Orr then proposed the following as an amendment and additional section, to said reported bill, to wit:

"That the sum of three hundred dollars be, and the same is hereby appropriated to improve the navigation of Sugar creek, from Crawfordsville to the mouth, and that William Crook, of the county of Montgomery, be appointed a commissioner, to carry into effect the provisions of this section."

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Lemon then proposed to amend the said reported bill, by adding thereto, the following as an additional section, to wit:

"That the sum of three hundred dollars, out of the said fund, be appropriated to improve Silver creek, from its mouth to Joseph Carr's mill, to be expended under the direction of John Williams of Clark county."

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Worth then proposed to amend the reported bill, by adding thereto the following as an additional section, to wit:

"That two hundred and fifty dollars out of the three per cent. fund, be appropriated to improve the navigation of the Mississinewa river, from Lewellin's mill in Randolph county, to its mouth, and the board of justices of said county shall appoint a commissioner to draw and apply the same."

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Daniel then proposed to amend the reported bill, by adding thereto, the following as an additional section, to wit:

"That the sum of two hundred dollars be, and the same is

hereby appropriated, for the purpose of aiding in building a bridge across Anderson river, near its mouth in the county of Perry; which bridge, when built, shall be known and called by the name of the Michigan bridge, a convenient point near the Ohio river."

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Gregory then proposed to amend the said reported bill, by adding thereto, the following as an additional section, to wit:

"And fifty dollars be, and the same is hereby appropriated, to the improvement of the navigation of Sugar creek, in the counties of Johnson, Bartholomew and Shelby, and one hundred dollars be appropriated for the improvement of Blue river, between the towns of Edinaburgh and Milford, in Shelby county, and that John Walker, of Shelby county be, and he is hereby appointed commissioner to superintend the same.

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Blair then proposed the following as an additional section to said report, to wit:

"Sec. That the sum of two hundred dollars be, and the same is hereby appropriated out of the three per cent. fund, for the improvement of the navigation of Coal creek, in the county of Fountain, from its junction with the Wabash river, to White's mills, on said creek, and that William White be appointed a commissioner on the same.

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Worth then proposed the following as an additional section to said bill, to wit:

"That the sum of two hundred and fifty dollars be appropriated from the three per cent. fund, to remove the obstructions to the navigation of White river, from Munceytown, in Delaware county, twenty miles or more in the direction of Indianapolis, and the board of justices of said county shall appoint a commissioner to draw and apply the same.

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Orr then proposed the following as an amendment to said reported bill, to wit:

"The appropriations aforesaid, shall not be drawn from the three per cent. fund, until the appropriations made on certain state roads, during the present session shall have been paid off, or the amount so appropriated, shall have been set apart by

the agent of the three per cent. fund, for the use of said roads.

And on the question, shall this amendment be adopted?

It was determined in the negative.

On motion by Mr. Depauw,

*Ordered*, That the bill, as amended, be engrossed and pass to a third reading—ayes 15, noes 5.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Linton, Lomax, Maxwell, McKinney, Robb, Sering, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Lemon, Orr, Worth.

The senate, according to order, resolved itself into committee of the whole, on the joint resolution, relative to the Indian tribes residing within the bounds of this state; Mr. Givens in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair and the Chairman reported the resolution to the senate, with progress made therein, and a request for leave to sit again;

Which was granted.

The senate, according to order, resolved itself into committee of the whole, on the engrossed joint resolution of the house of representatives, relative to the Illinois grant; Mr. Graham in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the joint resolution to the senate, with one amendment;

Which was read and concurred in.

*Ordered*, That the amendment be engrossed, and with the resolution, pass to a third reading.

The senate, according to order, resolved itself into committee of the whole, on the bill, for the relief of James Ball; Mr. Gregory in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate, without amendment.

*Ordered*, That it be engrossed and pass to a third reading.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act, supplemental to an act, entitled an act, for opening a state road in the county of Allen;

An act, to establish a state road from George Kline's in Frank-  
lin county, to the Lawrenceburgh state road, on the west side  
of Flat Rock, in Decatur county; and

An act to incorporate the Jefferson county seminary so-  
ciety;

And the Senate adjourned.

---

FRIDAY, JANUARY 8, 1830.

The Senate assembled.

Mr. Orr presented the remonstrance of David Matlock, Lew-  
is Martin and others, against any change in the state road from  
Montezuma, by Danville, to Indianapolis:

Which was read.

On motion,

*Ordered*, That it be referred to the committee on roads to  
consider thereon.

Mr. Orr, from the committee on roads, to whom was refer-  
red the report of the agent of the three per cent fund, and also  
a resolution of the senate, instructing them to enquire into the  
expediency of authorising the agent to receive and pay over  
unexpended balances remaining in the hands of road commis-  
sioners, when said commissioners have been succeeded by  
others, or removed—reported a bill supplemental to an act enti-  
tled an act providing for the location, opening and improve-  
ment of certain state roads, passed at the present session of the  
general assembly, and for other purposes:

Which was read a first time.

And passed to a second reading.

The following message was received from the house of  
representatives, by Mr. Lanier, their clerk.

MR. PRESIDENT:

The house of representatives, has passed an engrossed bill  
entitled,

An act for the formation of a new county east of Tippecanoe  
county;

In which I am directed to ask the concurrence of the sen-  
ate.

The Speaker of the house of representatives, having signed  
enrolled bills of the following titles, viz:

An act to incorporate the Jefferson county seminary society;  
 And act supplementary to an act entitled and act for the  
 opening a state road in the county of Allen; and,

An act to establish a state road from George Kline's, in  
 Franklin county, to the Lawrenceburgh state road on the  
 west side of Flat Rock, in the county of Decatur;

I am directed to bring the same up to the senate for the signature of their President.

The enrolled bills, entitled acts last reported from the house of representatives, as having received the signature of the Speaker, were now signed by the President of the senate, and handed to the committee on enrolled bills, to be laid before the governor for his approval and signature.

Mr. Ewing, from the select committee to whom was referred the joint resolution on the subject of the tariff; reported the same to the senate, with an amendment:

Which was read, and laid on the table.

Mr. M'Kinney, from the select committee, to whom was referred an engrossed bill for the relief of Claudius G. Brown and accompanying documents—report,

That upon mature consideration of said bill, and documents, they are of opinion, that justice requires the passage of the engrossed bill and the extension of the relief proposed.

The committee therefore report said bill to the senate without amendment.

The said report and bill having been read.

On motion by Mr. Robb,

The senate adjourned to nine o'clock to-morrow morning.

SATURDAY, JANUARY 9, 1830.

The Senate assembled.

Mr. Orr, offered for consideration and adoption, the following resolution:

*Resolved*, That the governor be requested to lay before the senate, the full strength of men and public arms, returned from each division, and (if practicable,) each brigade of the militia of this state, the quantity of public arms received, and manner of their distribution throughout the state, together with such other information, on that subject as will, in his opinion, lead to an ex-



quitable distribution of the public arms, and a correct understanding of that distribution among all concerned:

Which was read.

*Ordered*, That it be adopted.

The senate resumed the consideration of the engrossed bill, from the house of representatives, for the relief of Claudius G. Brown; when,

Mr. Robb moved to recommit the bill to the judiciary committee, with instructions to report a bill, that will authorise Claudius G. Brown to commence and prosecute a suit against the state of Indiana, on his claim for repairs done to the Vincennes seminary.

And on the question, shall the bill be so committed?

It was determined in the negative.

Mr. Linton then moved to amend the bill, by striking out the words, "college fund," and insert the words, "state treasury:"

Which motion did not prevail.

Mr. Morgan moved to strike out the word, "three," and insert in lieu thereof, the word "two:"

Which amendment was adopted.

Mr. Graham then moved to reconsider the vote, striking out "three," and inserting "two;"

And on the question, will the senate reconsider this vote?

It was determined in the affirmative.

Mr. Ewing then moved that the bill lie on the table:

Which motion did not prevail.

Mr. Lomax moved that it be recommitted to the judiciary committee:

Which motion also was determined in the negative.

Mr. Fletcher moved that it be referred to the committee on claims:

Which motion was determined in the negative.

Mr. Ewing moved that it be referred to a select committee:

Which motion did not prevail.

Mr. Linton moved that it be referred to a select committee, with instructions so to amend the bill, that three commissioners shall be appointed, (to wit:) one by the board of trustees of the Indiana college, another by Claudius G. Brown or his authorized agent, a third by the two appointed, who shall meet in Bloomington, and having taken an oath to examine into and award, impartially proceed to canvass the claims of Claudius G. Brown, for work and labour done, and performed upon the Vincennes seminary, for which he may not have received compensation, and any sum which shall be found justly due said Brown by the said commissioners, shall be paid out of the col-

lege funds by the commissioner of the loan office, upon the order of the said commissioners: *Provided*, That the sum shall not exceed three hundred and fifty dollars, and shall be in full for all demands of the said Brown, against the state of Indiana, its college and all other funds:

Which motion was determined in the negative.

On motion by Mr. Stevens,

And by common consent of the senate, the bill was so amended, as to allow to Claudius G. Brown the sum of three hundred dollars in full, of all claims and demands of said Brown against the said university and against any seminary or lands within the state of Indiana, and against the said state, of any name or nature whatever, up to the day of the passage of this act:

And the amendment was ordered to be engrossed, and with the bill, pass to a third reading.

The engrossed bill from the house of representatives, for the formation of a new county out of Tippecanoe county:

Was read a first time, and passed to a second reading.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill, supplemental to an act, entitled an act, providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill, for the preservation of public buildings, at Indianapolis, from fire:

Was read a third time; when,

Mr. Linton moved that it be recommitted to a select committee, with instructions so to amend it in its details, as to answer the intended purpose.

*Ordered*, That Messrs. Linton, Sering and Fletcher, be the select committee, in conformity with the foregoing motion.

The following message was received from the Governor, by Mr. Sharpe, his private secretary:

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform the senate that he did, on this day, approve and sign,

An act, providing for the location, opening and improvement of certain state roads; and

An act, authorising the circuit court of the county of Vanderburgh to change the venue in a certain case therein named; both of which originated in the senate.

And the senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The bill, securing to mechanics and others, payment for their labour and materials, expended in permanent improvements, on real estate;

Was taken up, considered and ordered to be engrossed, and pass to a third reading.

The engrossed joint resolution, relative to the Illinois grant, from the house of representatives, as amended in senate:

Was read a third time.

*Resolved*, That this joint resolution be adopted.

The engrossed bill for the relief of James Ball:

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled "an act."

The engrossed bill, to improve the navigation of Lost river and Lick creek, and for other purposes:

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled

An act, to improve the navigation of Lost river, White Water river and other streams therein named.

*Ordered*, That the house of representative be informed of the passage of the foregoing joint resolution, and several bills, and request concurrence in the amendments proposed to the joint resolution, and the two several bills last named.

The senate, according to order, resolved itself into committee of the whole on the bill to provide seven asylums, in the state, for the reception of the poor; Mr. Lemon in the chair; when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate, with amendments:

Which were read: and previous to concurrence therein,

Mr. Graham then moved that the bill be recommitted to a select committee, with instructions to divide the state into three districts, and fixing the sites of three several asylums,

And no order being taken thereon,

Mr. Maxwell from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act, to establish a state road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio river; and

An act, to establish a state road from Middletown in Shelby county via Moscow in Rush county, to intersect the Brookville state road at or near Erasmus Aldridge's;

And find the same truly enrolled.

The following message was received from the house of representatives, by Mr. Sheets their assistant clerk, to wit:

MR. PRESIDENT:

The Speaker of the house of representatives, has signed

An act, to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river:

And I am directed to bring the same to the senate, for the signature of their president.

The said enrolled bill, was now signed by the President of the senate, and handed to the committee on enrolled bills, to be laid before the governor, for his approval and signature.

Mr. Fletcher, from the joint committee on enrolled bills, now reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act, to establish a state road from George Kline's in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county;

An act, to incorporate the Jefferson county seminary society;

And an act supplementary to an act entitled an act, providing for the opening of a state road, in the county of Allen.

And the Senate adjourned.

MONDAY, JANUARY 11, 1830.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act to locate a state road therein named and for other purposes;

And act for the relief of John J. Lewis late collector of Shelby county;

An act concerning the seminary site, in Union county;

An act amendatory to the several acts now in force regulating the writ of habeas corpus; and,

An engrossed memorial of the general assembly of the state of Indiana on the subject of extinguishing the Indian title to lands within this state, and of removing the Indians beyond the Mississippi.

In which several acts and memorial, I am directed to ask the concurrence of the senate.

The house of representatives has passed an engrossed memorial from the senate, to the congress of the United States for the benefit of certificate holders of forfeited lands within the state of Indiana without amendment.

The Speaker of the house of representatives having signed an enrolled bill entitled,

An act to establish a state road from Middletown in Shelby county via Mascon in Rush county, to interest the Brookville state road, at or near Erasmus Aldridges;

I am directed to bring the same up to the senate for the signature of their President.

The following engrossed bills from the house of representatives, entitled acts, last reported for concurrence, were severally read a first time, and severally passed to a second reading, to wit:

An engrossed bill to locate a state road therein named and for other purposes;

An engrossed bill for the relief of John J. Lewis late collector of Shelby county;

An engrossed bill, concerning the seminary site of Union county; and,

An engrossed bill amendatory to the several acts now in force regulating the writ of habeas corpus.

The engrossed memorial and joint resolution of the general assembly of the state of Indiana, on the subject of extinguishing the Indian title to lands within this state, and of removing the Indians beyond the Mississippi, last reported from the house of representatives for concurrence:

Was read a first time;

And passed to a second reading.

The memorial was then read a second time by common consent.

*Ordered*, That it be committed to the same committee of the whole senate, to whom was committed a joint resolution of the senate on the same subject.

The engrossed bill last reported from the house of representatives, as having received the signature of the Speaker, was now signed by the president of the senate, and handed to the committee on enrolled bills, to be laid before the governor for his approval and signature.

Mr. Gregory, from the committee on roads to whom was referred the several petitions and remonstrances on the subject of relocating a part of the state road from Indianapolis to Montezuma—now report:

That they have had the same under consideration, and are of opinion that it is inexpedient to legislate on the subject:

Which report was read.

*Ordered*, That it be concurred in.

Mr. Morgan, from the committee on claims to whom was referred the petition of Drury Holt and Vincent Cooper, now reported a bill for the relief of Drury Holt and Vincent Cooper:

Which was read a first time, and passed to a second reading.

Mr. Sering, from the select committee to whom was referred the engrossed bill of the house of representatives to relocate part of the state road leading from Madison, to Lawrenceburgh—now reported the same to the senate with an amendment:

Which was read, and concurred in.

*Ordered*, That it be engrossed and with the bill pass to a third reading.

Mr. Blair, from the select committee, to whom was referred the petition of Uriah Biggs, Peter Brown and other citizens of Fountain county, praying for a relocation of the seat of justice of said county, and the remonstrance of B. F. Wallace, Michael Keller and others against the prayer of said petitioners, reported:

That they have had the same under consideration, and have agreed to report a bill to provide for the relocation of the seat of justice of Fountain county:

Which was read a first time, and passed to a second reading.

Mr. Linton, from the select committee, to whom was referred a bill providing for the preservation of the public buildings at Indianapolis from fire—reported:

That the committee have had the same under consideration, and have agreed to strike out the two first sections of said bill, and insert two other sections instead thereof, which amendments were read, and concurred in.

*Ordered*, That the said bill with its amendments be engrossed for a third reading.

On motion by Mr. Robb,

*Resolved*, That the committee on education be instructed to prepare and report to the senate, a memorial to congress praying that scrips may be granted to the inhabitants of such townships as have been deprived of the sixteenth section, and in favour of the inhabitants of those townships where the sixteenth section will not sell for one dollar and twenty-five cents per acre, in lieu of such sections.

The engrossed bill from the house of representatives, for the relief of Claudius G. Brown, as amended in senate:

Was read a third time.

*Resolved*, That this bill pass—ayes 17, noes 4.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Lomax, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Givens, Maxwell, Morgan, Robb.

*Ordered*, That the house of representatives be informed of the passage of this bill and concurrence requested in the amendment.

The engrossed bill securing to mechanics and others, payment for their labour and materials, expended in permanent improvements on real estate:

Was read a third time.

And on the question, shall this bill pass?

It was determined in the negative—ayes 8, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Fletcher, Graham, Gregory, Lemon, Orr, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Depauw, Givens, Lomax, Maxwell, M'Kinney, Morgan, Sering, Stevens, Watts.

The senate resumed the consideration of the bill to provide seven asylums in the state, for the reception of the poor; when, Mr. Gregory moved that the further consideration of this bill be postponed indefinitely.

And on the question, shall the further consideration of this bill be indefinitely postponed?

It was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Fletcher, Gregory, Lemon, Linton, Lomax, Maxwell, Morgan, Orr, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Depauw, Ewing, Givens, Graham, McKinney, Robb, Sering, Watts.

The senate, according to order, resolved itself into committee of the whole, on the joint resolution of the general assembly of the state of Indiana, relative to the Indian tribes residing within the limits of said state, and also a memorial and joint resolution of the house of representatives on the same subject; Mr. Givens in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the resolutions to the senate, with progress made therein, and a request to sit again, which was granted.

Mr. Fletcher from the joint committee on enrolled bills, reported that they did, on this day, present to the Governor for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to establish a state road from Middletown in Shelby county via Moscow, in Rush county, to intersect the Brookville state road at or near Erasmus Aldridge's; and,

An act to establish a state road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The senate, according to order, again resolved itself into committee of the whole, on the joint resolution of the general assembly, of the state of Indiana, relative to the Indian tribes.



residing within the limits of said state, and also an engrossed memorial and joint resolution of the house of representatives on the same subject; Mr. Givens in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the resolutions to the senate, with progress made therein and a request for leave to sit again; which was granted.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

**MR. PRESIDENT:**

The house of representatives disagree to the amendment proposed by the senate to the joint resolution of this house relative to the Illinois grant.

The house concur in the amendments proposed by the senate to the engrossed bill of this house entitled,

An act for the relief of Claudius G. Brown.

And the Senate adjourned.

**TUESDAY, JANUARY 12, 1830.**

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

**MR. PRESIDENT:**

The house of representatives has passed an engrossed joint resolution, ratifying the compact between the states of Ohio and Indiana, in pursuance of the act of congress of the 24th of May, 1828;

In which I am directed to ask the concurrence of the senate.

The senate proceeded to consider the amendments, proposed by them, to the joint resolution, relative to the Illinois grant, and disagreed to by the house of representatives.

On motion by Mr. Lemon,

*Ordered*, That the senate insist on their amendments, and that the house of representatives be informed thereof.

The engrossed joint resolution, from the house of representatives, "ratifying the compact between the states of Ohio and

Indiana, in pursuance of the act of congress of the 24th of May, 1828:"

Was now taken up, read, and passed to a second reading.

The said engrossed joint resolution was now read a second time by common consent of the senate.

Mr. Ewing moved to amend the same, by adding at the end of the *proviso* in said joint resolution, the following additional *proviso*, to wit:

"*Provided, also*, That so much of the third article of said compact, in the following words, to wit: "but it is fully understood, and it is agreed by, and between the contracting parties aforesaid, that if the state of Ohio should fail, after having ratified this contract, to complete that part of said canal which shall lie within the limits of said state, as aforesaid, within the time stipulated in this contract, then the said lands, hereby agreed to be conveyed to the state of Ohio, shall revert to the state of Indiana; and the state of Ohio shall release to the state of Indiana, all the right, title and interest, she shall have acquired therein, by virtue of this contract, or otherwise; and it is further agreed and stipulated by and between the contracting parties, as aforesaid, that if the state of Ohio shall have sold, or otherwise disposed of said lands, or any part of them, then, in case of failure, as aforesaid, the state of Ohio shall pay to the state of Indiana, the amount of monies, for which said lands shall have been sold, and which shall, in no case, be less than one dollar and twenty-five cents per acre"—be expunged therefrom, or never be construed to sanction any failure on the part of Ohio, to complete the part of the Wabash and Erie canal, passing through her boundaries, as stipulated in the first and second articles thereof:"

Which was read and adopted.

On motion,

*Ordered*, That the amendment be engrossed, and with the joint resolution, pass to a third reading.

Mr. Gregory, from the select committee, to whom had been referred an engrossed joint resolution from the house of representatives, relative to the establishment of a medical college—now reported the same to the senate with an amendment, striking out from the said joint resolution, all after the word, "WHEREAS," and inserting in lieu thereof, what was now read:

When,

Mr. Claypool, called for a division of the question.

And on the question being put, shall the said joint resolution be stricken out?

It was determined in the negative.

Mr. Gregory then moved, that the amendment, proposed to be inserted by the select committee, be adopted, as an additional resolution, to the said engrossed joint resolution; and the said joint resolution was so amended by consent.

*Ordered*, That the said joint resolution, with its amendments, be engrossed and pass to a third reading.

On motion by Mr. Worth,

*Resolved*, That the governor be requested to inform the senate, which of our sister states, if any, have presented Indiana with maps, during the past or any preceding year.

Mr. Blair offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the senate will meet the house of representatives on the 14th instant, at two o'clock, P. M. for the purpose of electing, by joint ballot, three canal commissioners, in pursuance of an act, entitled an act, to establish a canal to connect the navigable waters of the Wabash river, with the navigable waters of Lake Erie—approved, January 5th, 1828, and that the house of representatives be informed of the adoption of this resolution, and a similar one on their part requested:

Which resolution was read.

*Ordered*, That it lie on the table.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, INDIANA, }  
Indianapolis, January 12th, 1830. }

MILTON STAPP,

*President of the Senate:*

SIR—The resolution of the senate of the 9th instant, relative to the strength of the militia, and their arms in divisions and brigades, and relative to the quantity of the public arms received, and the manner of their distribution throughout the state, is answered, as far as my data in the public offices will authorise, by the enclosed communications, or abstracts of the Adjutant and Quarter Master Generals. I have annually taken upon myself, the responsibility, (tho' unauthorised by law) of preventing the great loss of public arms to the state, consequent upon the failure of officers to make their returns, according to law, of the strength of the militia, by annexing my own certificate to the yearly return to the general government, increasing the *actual* number returned to the Adjutant General's office, varying from ten to fifteen thousand, which accounts

for the quantity of arms placed to our credit, above our aggregate strength, as returned by the state officers. Finding delinquencies in this respect so common, and all returns so extremely defective, would it not best subserve the interest of the state, to authorise the Executive of the state to make his annual return to the United States, upon the best information he may be able to collect, without being compelled to rely upon the State Adjutant General's office for information? It is believed, that the action, under the act of the last legislature, relative to the distribution of the public arms, will do justice to all parts of the state; but, it is nevertheless certain, that so general an expectation, as has been excited, with respect to being furnished with public arms, cannot be realized. A majority of the counties in the state, have scarcely felt any of the benefits of the system; and it is equally certain, that all never will, or can be gratified, under the present organization of the militia.

I am, sir,

Very respectfully,

Your obedient servant,

J. BROWN RAY.

Which was read.

On motion,

*Oerdrd*, That the said communication, and the accompanying documents, be referred to the military committee.

Mr. Maxwell, on leave being granted, introduced a bill, authorising the sale of one of the reserved sections of land in the reserved township of land, in Monroe county:

Which was read, and passed to a second reading.

Mr. Givens, on leave being granted, introduced a bill, to amend an act, entitled an act, to regulate judicial circuits, and fixing the times of holding courts—approved, January 14th, 1824:

Which was read a first time,

And passed to a second reading.

The engrossed bill, for the relief of John J. Lewis, late collector of Shelby county:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill, of the house of representatives, to locate a certain state road therein named and for other purposes:

Was read a second time; amended by common consent.

*Ordered*, That the amendment be engrossed, and with the bill, pass to a third reading.

The engrossed bill, from the house of representatives, concerning the seminary site of Union county:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill, from the house of representatives, amendatory to the several acts now in force, regulating the writ of habeas corpus:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill, for the relocation of the seat of justice of Fountain county:

Was read a second time, and amended by common consent;

And on the question, shall this bill be engrossed, and pass to a third reading?

Previous to taking any order thereon,

The Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

Mr. Maxwell, from the joint committee on enrolled bills, now reported that they have compared the following enrolled with the engrossed bill entitled,

An act, for the relief of Claudius G. Brown; and

A memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands, within the state of Indiana;

And find the same truly enrolled.

The senate resumed the consideration of the bill, for the relocation of the seat of justice of Fountain county.

*Ordered*, That it be engrossed and pass to a third reading.

The bill, for the relief of Drury Holt and Vincent Cooper:

Was read a second time.

*Ordered*, That it be engrossed, and pass to a third reading.

The engrossed bill, from the house of representatives, to relocate a part of the state road leading from Madison to Lawrenceburgh, as amended in senate:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill, providing for the preservation of the public buildings at Indianapolis, from fire:

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled, "An act."

*Ordered*, That the house of representatives be informed of the passage of the two last mentioned bills, and their concurrence in the last mentioned bill, and in the amendment made in the first mentioned bill, requested.

The senate, according to order, again resolved itself into committee of the whole, on the joint resolution of the general assembly of the state of Indiana, relative to the Indian tribes within the boundaries of said state; and the engrossed memorial and joint resolution of the state of Indiana, on the subject of extinguishing the Indian title to lands, within this state, and of removing the Indians beyond the Mississippi; Mr. Givens in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the joint resolution and the engrossed memorial to the senate, without amendment.

Mr. Graham then moved, that the further consideration of the joint resolution first mentioned, be indefinitely postponed.

And on the question, shall the further consideration of this joint resolution be indefinitely postponed?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Graham, Gregory, Lomax, Maxwell, Morgan, Orr, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Depauw, Ewing, Fletcher, Givens, Lemon, Linton, M'Kinney, Robb, Stevens, Watts.

*Ordered*, That it be engrossed, and pass to a third reading; And that the engrossed memorial and joint resolution, last mentioned, lie on the table.

The following message was received from the house of representatives, by Mr. Lanier, their clerk.

MR. PRESIDENT:

The house of representatives, has passed engrossed bills, of the following titles, viz:

An act, to provide for changing a part of the state road, leading from Mauk's Ferry to Indianapolis;

An act, for the relief Samuel Postelwait, of Dubois county;  
An act, to legalize and establish the original survey in the town of Lafayette, in the county of Tippecanoe;

An act, for the appropriation of money, to aid in building a bridge over Plumb creek; and

An engrossed memorial of the general assembly of the state of Indiana, relative to a grant of land for the purpose of improving the mail route from New Albany to Evansville;

In which acts and memorial, I am directed to ask the concurrence of the senate.

The house of representatives has passed engrossed bills of the senate, of the following titles, without amendment, to wit:

An act, concerning clerk's offices; and

An act, to incorporate the Greencastle seminary society.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives *adhere* to their disagreement to the amendment proposed by the senate, to the joint resolution of the house, relative to the Illinois grant. They concur in the amendment, proposed by the senate to the engrossed bill of the house, entitled

An act, to relocate part of the state road, leading from Madison to Lawrenceburgh.

The house of representatives has passed an engrossed bill, entitled

An act, for the relief of the citizens of Daviess county;

In which I am directed to ask the concurrence of the senate.

The house has passed an engrossed bill from the senate, entitled

An act, to improve the navigation of Lost river, White Water river, and other streams therein named, without amendment.

And the senate adjourned.

---

WEDNESDAY, JANUARY 13, 1830.

The Senate assembled.

The following engrossed bills from the house of representatives entitled acts, to wit:

An act for the appropriation of money to aid in building a bridge over Plumb creek;

An act to provide for changing a part of the state road leading from Mauk's ferry to Indianapolis;

An act for the relief of Samuel Postelwait of Dubois county;

An act to legalize and establish the original survey in the town of Lafayette, in the county of Tippecanoe;

An act for the relief of the citizens of Daviess county; and,

The engrossed joint memorial of the general assembly of the state of Indiana, relative to a grant of land for the purpose of improving the mail route from New Albany, to Evansville;

Last sent up for concurrence, were severally read a first time, and severally passed to a second reading.

The senate now proceeded to consider the amendment proposed by them to the engrossed joint resolution, from the house of representatives, relative to the Illinois grant, and disagreed to by the house of representatives, when,

Mr. Lemon moved that the senate adhere to their proposed amendment:

Which motion was determined in the negative.

*Ordered*, That the joint resolution lie on the table.

Messrs. Maxwell and Givens, now offered and filed their protest against the passage of the bill therein named:

Which was read; and,

*Ordered*, To be spread upon the journals as follows, to wit:

The undersigned protests against the passage of an engrossed bill, entitled an act for the relief of Claudius G. Brown, in senate, on the eleventh inst. for the following reasons, viz:

1. Because, the legislature has not the right, under the constitution of this state, to deprive by legislative enactment, any individual, or body corporate, of *previously vested* rights.

2. Because the payment of the claim of said Brown, out of the college fund, is in direct opposition to the fourth proposition of the sixth section, of an act of congress entitled an act, to enable the people of the Indiana territory, to form a constitution and state government, and for the admission of such state, into the Union, on an equal footing with the original states, approved, April 19th, 1816, and which act, expressly declares, that the townships of land reserved, shall be for the use of a seminary of learning, and appropriated *solely* by the legislature of this state for the use of such seminary.

3. Because, by the passage of the act aforesaid, the funds arising from the sales of the seminary township of land in Monroe county, are made equally subject, with those arising from the sales of the reserved township of land in Gibson coun-



ty, to the payment of said Brown's claim, than which, nothing can be more illegal, or unjust.

1 Because no positive evidence of the legality of said Brown's claim has ever been produced, and acting entirely on *ex parte* testimony, the senate have established a precedent, by the passage of the aforesaid act, which the undersigned believes to be dangerous in its tendency, and calculated to extend an unwarrantable legislative power over contracts, which alone can be constitutionally decided by a judicial tribunal.

D. H. MAXWELL.

THOS. GIVENS.

January 13, 1830.

Mr. Ewing, from the committee on canals and internal improvements, to whom was referred a resolution, instructing an enquiry into certain opinions set forth in the preamble thereof, relating to the present location of the Wabash and Erie canal, from Eel river to its lower point of termination, near Tippecanoe; the relative advantages of causing the line to depend upon a future examination, &c. have had the same under consideration—and a majority of said committee, now report,

That the memoir of the United States Engineer, who explored, surveyed and estimated a line of canal on each side of the Wabash, from Tippecanoe to Little river, together with the official report and recommendation of our canal commissioners of 1828, leave the opinions set forth in the resolution referred, wholly unsustained. Your committee pretend to no personal acquaintance of the matters set forth; but the high reputation, and known capability of the late Col. Moor, who made the examinations and estimates alluded to, afford no room to doubt the accuracy of his judgment, or the correctness of his calculations. It does not appear to your committee, that either the utility or importance of the contemplated work, would be increased to the state, by a change of its location; nor does it appear, that its facilities and advantages would be enhanced thereby—on the contrary, although a few inhabitants on the south side, might benefit themselves, and enhance their property, the canal fund might materially suffer at the approaching sale of the canal lands. But there is not before your committee, any reason to justify any change of location whatever; and even if there were, the existing law provides for all proper changes of the line adopted, on a final survey. The report of our commissioners of 1828, before mentioned, presents a summary of Col. Moor's estimates of the length and cost of a canal, on either side of the Wabash, which distinctly demon-

strates, that the work on the south side, between the two points mentioned, would be more difficult and much more expensive; and the difference altogether, in favor of the northern route, appears conclusive. Our commissioners recommend the line, north of the Wabash, for the purpose of designating the donated lands; and they must have been convinced of its advantages, as they give us to understand, that, although some unimportant changes may take place on the final location of this route; yet, that no such change can affect the value of the lands. It was in accordance with these opinions, that the northern line was adopted, by an act, entitled "an act, concerning the Wabash and Miami canal"—approved, January 23d, 1829, subject to such alterations, as our state engineer may find to the interest of the state. Our engineer, therefore, may or he may not think another survey of the south side of the Wabash proper. Certainly the estimates already rendered, afford no enticement to incur additional cost; and as to population now on the south side, that inequality will soon cease to exist, or be absorbed in a more extended view of the subject. A request for a survey of a canal, to connect the Wabash and Erie canal with the White rivers, and from thence to the river Ohio, by a corps of United States' engineers, has been adopted in senate, and it is hoped, will be sanctioned so as to reach the present session of congress. This line of canal will, of course, be south of the Wabash; but it would be useless to fix its confluence at Tippicanoe, Eel. river, or even the intermediate space, before a survey be had. Viewing the resolution as herein intimated, your committee ask leave to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged from the further consideration of that subject.

Mr. Gregory, from the select committee, to whom was referred sundry petitions and remonstrances, on the subject of changing part of a state road, leading from Bono to Jackson salt works, and to Indianapolis, are of opinion, that legislating on that subject at this time, is inexpedient, and ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged from the further consideration of the subject.

Mr. Lomax, from the select committee, to whom was referred the petition of Joshua Hoover and others, of Henry county, praying to be re-attached to Wayne county—now report,

A bill, to repeal an act, to establish the eastern boundary of Henry county—approved, January 26, 1827:

Which was read a first time, and passed to second reading.

Mr. Depauw offered for consideration, the following resolution:

*Resolved*, That the committee on education, be directed to prepare and report to this house, a joint resolution, requiring the board of trustees of the Indiana college, to make out and transmit to each branch of the next general assembly, a detailed statement in writing, shewing the number and grade of officers and teachers or professors, in that institution, their respective salaries and perquisites of office—the number of students in said college, and their respective places of residence—the rates of tuition fees by said board established—a description of the college edifice, and a statement of its cost, and all other expenses, together with the library and apparatus, attached to the same:

Which was read; when,

Mr. Gregory moved to amend the said resolution, by adding thereto, the following, to wit:

“And what are the several branches, taught in the college, and what are the lectures delivered by the president and professors to the students on the sciences, Christianity, and religion:”

Which amendment having been seconded,

*Ordered*, That the said resolution and amendment. lie upon the table.

Mr. Givens, on leave being granted, introduced a bill, to appropriate a part of the three per cent. fund, to improve a certain state road, therein named:

Which was read a first time, and passed to a second reading.

Mr. Graham, on leave being granted, introduced a bill, for the benefit of inhabitants or citizens of other states, travelling through or within this state:

Which was read a first time, and passed to a second reading.

Mr. Worth, on leave being granted, introduced a bill, providing for a state road from Noblesville to Logansport, and from Indianapolis by Pendleton to Andersonstown:

Which was read a first time, and passed to a second reading.

Mr. Stevens, on leave being granted, introduced a bill, providing for the opening of a part of the Michigan road:

Which was read a first time, and passed to a second reading.

Mr. Gregory, on leave being granted, introduced a bill, in relation to the action of trespass:

Which was read a first time.

*Ordered*, That it passed to a second reading.

The bill, authorising the sale of one of the reserved sections of land in the reserved township of land, in Monroe county;

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The bill, to amend an act, entitled an act, regulating judicial circuits, and fixing the times of holding courts—approved, January 14th, 1824:

Was read a second time.

*Ordered*, That it lie on the table,

On motion by Mr. Claypool,

The engrossed bill, more effectually providing for the sale of school lands, in certain counties therein named, which was laid on the table on the 30th ult.

Was now taken up, read a third time;

And on the question, shall this bill pass?

It was determined in the negative—ayes 6, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Lomax, Morgan, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Linton, M'Kinney, Orr, Robb, Sering.

And the Senatè adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The engrossed bill, from the house of representatives, concerning the seminary site of Union county:

Was read a third time.

*Resolved*, That this bill pass, and that the house of representatives be informed thereof.

The engrossed joint resolution from the house of representatives, ratifying the compact between the states of Ohio and Indiana, in pursuance of the act of the congress, of the 24th of May, 1828, as amended in senate:

Was read a third time.

*Resolved*, That this joint resolution pass—ayes 14, noes 5.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Ewing, Gregory, Linton, Lomax

Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Depauw, Fletcher, Givens, Graham, Lemon.

*Ordered,* That the house of representatives be informed of the passage of this joint resolution, and concurrence in the amendment requested.

The following message was received from the governor.

EXECUTIVE DEPARTMENT, INDIANA,  
Indianapolis, January 13<sup>th</sup>, 1830,

MILTON STAPP,

*President of the Senate:*

SIR—The governor of the state of Indiana, in pursuance to a resolution of the senate of the 12<sup>th</sup> inst. "requesting him to inform the senate which of our sister states, if any, have presented Indiana with maps, during the past, or any previous year," refers the senate to a report of the secretary of state, on the journal of the house of representatives, dated December 31, 1823, on this subject, in which he states, that all the maps which have been received in that office, is one from the state of Ohio, of that state, and another from South Carolina of that state. Your resolution of yesterday, was also laid before the secretary of state, on which he remarks, that the above are the only maps in his office. There are in my possession, maps of the states of Virginia and Missouri, which were directed to the governor of this state, and received within the last year. I was also presented with a map of the improved part of the territory of Michigan by governor Cass, in 1826.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. BROWN RAY.

Which was read, and no further order taken thereon.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act to incorporate the Hamilton, Rossville and Richmond turnpike company:

An act, to amend an act, regulating the practice in suits at law—approved, January 30th, 1824;

An act, to incorporate the Franklin county seminary;

An act, to locate a state road from Troy, in Perry county, to Washington, in Daviess county; and

An engrossed joint resolution, relative to deaf and dumb persons in this state;

In which acts and joint resolution, I am directed to ask the concurrence of the senate.

The house of representatives has passed engrossed bills of the senate, of the following titles, viz:

An act, for the relief of James Ball;

An act, requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum prices thereof; and

An engrossed memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of certain saline reserves, without amendment.

The Speaker of the house having signed an enrolled bill, of the following title, viz:

An act, for the relief of Claudius G. Brown; and

A memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands within the state of Indiana,

I am directed to bring the same to the senate, for the signature of their president.

The enrolled bill and memorial, last reported from the house of representatives, as having received the signature of the Speaker, were now signed by the President of the senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill from the house of representatives, to incorporate the Hamilton, Rossville and Richmond turnpike company:

Was read a first time, and passed to a second reading

The bill was then read a second by common consent.

Ordered, That it pass to a third reading.

The engrossed bill, from the house of representatives, to amend an act, regulating the practice in suits at law—approved, January 30th, 1824:

Was read a first time, and passed to a second reading.

The engrossed bill, from the house of representatives, to incorporate the Franklin county seminary:

Was read a first time, and passed to a second reading.

The engrossed joint resolution, relative to deaf and dumb persons in this state, from the house of representatives:

Was read a first time, and passed to a second reading.

The engrossed bill, from the house of representatives, to locate a road from Troy in Perry county, to Washington in Daviess county:

Was read a first time, and passed to a second reading.

The following message was received from the Governor, by Mr. Sharpe, his private secretary:

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform the senate that he did, on this day, approve and sign,

An act, to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river,

Which originated in the senate.

The engrossed joint resolution, relative to the establishment of a medical college, from the house of representatives, as amended in senate:

Was read a third time.

*Resolved*, That this joint resolution pass, and that it be entitled

A joint resolution, relative to the establishment of a medical college, and for other purposes.

*Ordered*, That the house of representatives be informed of the passage of the foregoing joint resolution, and concurrence in the amendments requested.

The engrossed bill, from the house of representatives, to locate a certain state road therein named:

Was read a third time.

*Resolved*, That this bill pass, and that the house of representatives be informed thereof.

The engrossed bill for the relief of Drury Holt and Vincent Cooper:

Was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and their concurrence requested.

Mr. Fletcher, from the joint committee on enrolled bills, now reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bill and memorial to the congress of the United State, entitled an act and memorial, as follows, to wit:

An act, for the relief of Claudius G. Brown; and

A memorial to the congress of the United States, for the ben-

ent of certificate holders of forfeited lands within the state of Indiana.

The engrossed joint resolution of the general assembly of the state of Indiana, relative to the Indian tribes residing within the limits of said state:

Was read a third time.

*Resolved*, That this joint resolution pass—ayes 11, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Depauw, Ewing Fletcher, Givens, Lemon, Linton, M'Kinney, Robb, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Graham, Gregory, Lomax, Maxwell, Morgan, Orr, Sering, Worth.

*Ordered*, That the house of representatives be informed of the passage of this joint resolution, and their concurrence requested.

The engrossed bill, to provide for the relocation of the seat of justice of Fountain county:

Was read a third time; when,

Mr. Fletcher moved to recommit the bill to a select committee, with instructions, "that if said county seat shall be so relocated under the provisions of this act, all persons who have made, and advanced any sums as donations for the erection of public buildings, at the present county seat, shall be repaid out of the county treasury, the sum so advanced, with legal interest thereon: and persons who have donated any tract of land, and which by the relocation of said county seat, shall again revert to the donors, shall receive a reasonable compensation for the use thereof, while in possession of said county, to be ascertained in the same manner as is provided for ascertaining the damages done to owners of lots, in the said town of Covington, by the provisions of this act.

And on the question, shall the bill be recommitted to a select committee, with the foregoing instructions, as proposed by Mr. Fletcher?

It was determined in the negative.

Mr. Fletcher then moved, that the bill be recommitted to a select committee, with instruction so to amend it, as, that a jury of twelve men be called to assess the damages which may accrue to persons, who may be injured by the relocation of



and county seat, instead of commissioners, as provided by the act.

And on the question, shall the bill be recommitted with these instructions?

It was determined in the negative.

And on the question, shall this bill pass?

It was determined in the affirmative—ayes 18, noes 3.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Ewing, Givens, Gregory, Lemon, Linton, Lomax, Maxwell, M'Kinney, Orr, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Fletcher, Graham, Morgan.

*Ordered,* That the house of representatives be informed of the passage of this bill, and their concurrence requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

An act, for the relief of Walter Pennington, and for other purposes;

In which I am directed to ask the concurrence of the senate.

The engrossed bill, last reported from the house of representatives, for concurrence:

Was read a first time, and passed to a second reading.

The senate, according to order, resolved itself into committee of the whole, on the bill, providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana; Mr. Lomax in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate, with progress made therein, and a request for leave to sit again;

Which was granted.

And the senate adjourned.

THURSDAY, JANUARY 14, 1830.

The Senate assembled.

Mr. Cleadenin, who arrived at Indianapolis on yesterday, now took his seat in senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives concur in the amendment proposed by the senate, to the engrossed bill of the house, entitled An act, to locate a state road therein named, and for other purposes.

They also concur in the amendments proposed by the senate, to the engrossed joint resolutions of this house, of the following titles, viz:

A joint resolution, ratifying the compact between the states of Ohio and Indiana, in pursuance of the act of congress of the 24th of May, 1828; and

A joint resolution, relative to the establishment of a medical college, and for other purposes.

Mr. Linton, from the select committee to whom was referred a resolution of the senate, directing an enquiry into the expediency of funding the avails of all school lands, salt lick reservations, college lands, Michigan road lands, canal lands and the three per cent. fund, and if deemed expedient, to report a system which shall preserve unimpaired, the respective funds, assuring a dividend of interest, annually applicable to the several objects, REPORT:

That they have had the subject of the resolution under consideration, and have bestowed upon it that deliberation and cautious enquiry, which one so intimately connected with the improvement of the state, and preservation of its ample resources, should inspire. The committee contemplate, with emotions of no little pleasure, the felicitous situation of Indiana, in reference to the means at her disposal, for the promotion of education, and such objects of internal improvement as cannot fail, under the exercise of a liberal spirit, and proper discretion, to subserve, in their accomplishment, the best interests of her citizens. It is believed, that no state, west of the Alleghenies, perhaps none in the Union, has, at any period of our national history, been placed in a more peculiar, and we might add, more favorable attitude for an early attainment of elevated rank, than Indiana. Whether we regard the prospective wealth of her people, or the flattering aspect of her fiscal concerns, as a state, the prospect is equally cheering. With an increasing population, unvalued in its ratio, a revenue exceeding

the ordinary exigencies of her government, a foundation in every Congressional township, upon which to rear schools, extensive districts of land, available for the construction of roads and canals, she presents advantages of a most imposing and enviable character. Upon her Legislators devolves the responsible trust of moulding to the purposes of the community these important elements.

The attention of the committee was directed by the tenor of the resolution submitted to them, to an enquiry into, and developement of some feasible scheme, for the profitable investment of moneys arising from the sources therein named. In the discharge of this duty, the history of other states has been consulted, and their experience, so far as favorable results have followed the adoption of particular measures, relied upon. From these, the committee gather two propositions, not however, incompatible with each other. Either or both of which, under proper limitations, may be made, not only safe repositories for the floating capital of the state, but greatly to subserve the interests of *education*, and improvement of the country in *public highways*.

The topography of our state invites to the creation of turnpike road and canal stocks. It is confidently believed by your committee, that the school and other funds of the state, cannot be better disposed of than in contributing to improvements of this character. The great fertility of soil in the interior must, when brought into cultivation, afford a large surplus of products for market. The amount and value of which will greatly depend upon the facilities of intercourse with distant places and markets. And although, in some instances, artificial roads might not afford, in tolls, a considerable dividend as nett profit, upon the whole sum expended in their construction; yet, when the multiplied objects of state revenue, arising from an increase of population, always consequent upon opening commercial thoroughfares, are taken into the account, no reasonable apprehension of state embarrassment can exist from guaranteeing to the several school townships, six per cent. upon such sums as may be derived from them respectively, and taking charge of the whole fund.

From the quantity of land granted to the Michigan road and to the Wabash and Erie canal, these two works commend themselves to us, as holding out a basis upon which to create stocks, to some amount, with perfect safety. No one, however sceptical, as regards the productiveness of these improvements, can hesitate to believe, that upon such *additional* sum as their construction may require, beyond the grants, a dividend far above the ordinary rates of interest, will be realized. Whether to appropriate the whole avails of these works when they shall have been completed to the purposes of education in the several townships, or to limit the amount to a fixed per centum, and apply the residue to further improvements, will be a matter for the wisdom of future legislatures to decide. At this time we are called upon to devise a plan for the safe employment of disposable funds.

Pennsylvania has, at different periods, issued certificates, bearing interest, to a very large amount, in order to anticipate means, with which to take stock, and encourage the formation of turnpike roads.

From the tenor of her legislation upon the subject, it would seem that profit by way of exactions from the transit of property upon them, had never been contemplated; expenses have been incurred in reducing her mountains and in carrying turnpikes through districts, which could promise nothing else than the necessity of continual applications of treasure to sustain them, while in others, direct remuneration has been realized; upon the whole, they are considered an important item in the aggregate wealth of the state, and afford decided encouragement to other states to adopt a similar policy on a less extended scale.

The scale of improvements of the character contemplated, should be commensurate with the resources of the state, and objects to be obtained. The following, while it shows a large amount within the reach of the legislature, admonishes to great caution in the application of it:

The school lands amount to 965 sections,	
which, at \$1.25 per acre, produce	\$772,000
The salt lick reservations, say 40 sections, at the	
same estimate, produce	32,000
The seminary lands may be safely estimated at	50,000
The Michigan road lands aggregated at	160,000
Canal lands,	600,000
	<hr/>
Making a total of	\$1,614,000

Of this grand total, the most considerable item, is derived from the school lands, a fund, intended for a purpose so elevated and sacred, as to induce a degree of circumspection in all legislation touching it, to be measured only by its importance to the future character of the state. That the present mode of disposing of the avails of these lands, is fraught with danger to the fund, no one, however superficially he may examine the subject, can doubt. If pursued, it must lead to the loss of section after section, until a remnant, unworthy legislative deliberation, will be left. Nor is it thought by the committee that the spirit of the original grant or subsequent act of Congress, authorising the sale of these lands, has been duly consulted, in the mode adopted for their disposal. On the contrary, they believe that it is worthy of enquiry, whether the state is not bound to preserve unimpaired the value of the several sections, not only by good policy; but absolutely bound, by availing of the act authorising their sale. The act of Congress gives plausibility to the suggestion.

The improvement of the country, in turnpike roads, which, by the aid of these lands, might be compassed, cannot well be conceived, while the influence of the money upon the operations of the community, in small sums scattered by individual hands, is entirely lost to every important purpose. Such disposition is incompatible with the trust reposed in the legislature. It should be regarded as a state fund, and rendered as such, auxiliary to the accomplishment of state improvements, dispensing to the respective townships, some settled rate of interest, for the faithful payment of which, her revenues should be une-

quivocally and forever pledged. If an application of the proceeds of these lands, to objects of this kind, will not be entertained by the legislature, it is submitted whether directing its payment into the loan-office, to be loaned under the authority and care of the general assembly, would not insure happier results, than can be expected from the present plan.

The experience of ages has sanctioned the correctness of a policy, which, in its progress, develops the resources of a country; and no region, abounding in the necessities of life, however isolated, to which the extension of commercial facilities are physically possible, has ever had occasion to regret their construction. Few, if any, of the many stupendous improvements of this character, in the United States, have failed to meet the wishes of their most sanguine projectors; while, at the same time, the products of the aggregate industry, within their influence, has received an increased value, to warrant of itself their construction. The Michigan road, which should be made a turnpike; the Wabash and Erie canal; a turnpike from Brookville to Indianapolis; from New Albany to Vincennes; from Evanston to Lafayette, are public works, which will force themselves on the attention of the general assembly, at an early day; and a view of the map of our state, is only necessary to convince, that the objects worthy of serious consideration. The means to consummate, in a manner worthy the state, not only the Michigan road and canal, but the other works mentioned, are within our reach; a resort to loans is unnecessary to accomplish them. We have, within the bosom of our state, and at control, the wealth and moral power required for their attainment; and are responsible to the age in which we live, and to posterity, for a due application of them.

The second proposition, which has occurred to the committee as affording employment for the funds, that may be derived from the enumerated sources, is that of a State Bank, based upon the capital these might afford, with so much of individual stock, as would insure a sufficient degree of zeal and care in the management of the institution, and its different branches. That a capital, equal to the demands of such an institution, might thus be derived, there can be no doubt; and that under proper management, it might contribute to a considerable augmentation of the business and prosperity of the country, there can be as little question. The charters of several banks, constituted by combining the resources of states, with those of individuals, have been consulted. The Bank of the United States, and Bank of Pennsylvania, both of which have been entirely successful, seem to afford the best models, and it may be remarked, that a system of internal improvements, would, instead of lessening the means, out of which to erect a bank, afford strength and successful operation to such an institution, by at once inducing a free circulation of its paper, through the state. The committee report a bill, providing for the payment of the monies which may hereafter come to the hands of the several school commissioners of this state, into the state treasury, and leave the details of their appropriation, to a

future session of the general assembly; as also the disposition of the avails derivable from the other sources, referred to in the resolution of the Senate; believing that there is not time during the present session, to act conclusively upon the subject, and that the sales which may take place this year, will enable the legislature, at its next meeting, to regulate its measures more advisedly, in reference to the proceeds, than at present.

The outlines of a bank charter will be laid before the Senate, by the committee, in a few days. To prepare one of proper features, is a work of some enquiry and time; but as it represents one resource for funding capital of the state, now seeking profitable investment, the committee deem it a part of their duty to submit the proposition in a tangible shape.

The bill to provide for better securing the monies arising from the sale of the school lands in this state:

Was read a first time, and passed to a second reading.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the enrolled with the engrossed bill, entitled

An act, to relocate part of the state road, leading from Madison to Lawrenceburgh;

And find the same truly enrolled.

Mr. Ewing offered for consideration and adoption, the following preamble and resolution, to wit:

WHEREAS, it has become the settled policy of every legislative body in the United States, as it is evidently their duty, not only to guard against all unjust assumption of vested rights, but also, to avoid all improper interference with the legitimate exercise of such as exist: And whereas, the congress of the United States, in the year 1804, appropriated a township of land, for the use of a seminary of learning in the Vincennes land district, which was located south of White river, and was vested in, and with the after-consent of congress, devoted to sustain the Vincennes University, erected by our territorial legislature, in the year 1806, with full and ample powers to control and dispose of said land: And whereas, the University aforesaid, has been interrupted in their authorised control and use of the land aforesaid, much to the injury of the people, whose vested right it had become, and even the payment of a just debt, incurred by the said University of Vincennes, before that institution was interrupted in, or divested of the control and use of the land aforesaid, has been alleged to conflict with certain rights of the University, created at Bloomington, under an impression that an act of congress in 1816, authorising us to form a constitution and state government, impaired the

vested right of the Vincennes University to the township of land mentioned, and affords validity to its after transfer to Bloomington University, by the general assembly: And whereas, it is believed, that congress could not, and did not, in the act of 1816, interfere with the previous disposition of the said township of land, that it is now improperly divested from the object of the grant; that its proceeds should be devoted to benefit and sustain the Vincennes University, and that the whole course of legislation under which the University at Bloomington assumes to have a vested right, or to be in anyway entitled to benefit, by dispoiling the original institution, and depriving the inhabitants in its vicinity of advantages they should otherwise enjoy, are, and of right must be the result of misconstruction and misconception:

Therefore, that right may prevail,

*Resolved*, that the committee on the judiciary, be instructed to examine the acts of congress, and the validity of the several acts of our territory and state, in relation to the township of land aforesaid, and report their opinion of the right of the Vincennes University, or that at Bloomington, to the proceeds and control thereof, with leave to report by bill or otherwise:

Which being read,

Mr. Robb moved to amend the same, by striking out the preamble.

And on the question, shall the resolution be so amended?

It was determined in the negative—ayes 3, noes 17.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Givens, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendenin, Depauw, Ewing Fletcher, Gregory, Lemon, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

The resolution was then again read.

*Ordered*, That it be adopted.

On motion by Mr. Lemon,

The resolution yesterday, offered by Mr. Depauw, on the subject of the Indiana college, as proposed to be amended by Mr. Gregory, and then laid on the table:

Was now taken up; when,

Mr. Linton moved that it be indefinitely postponed.

And previous to taking any question thereon.

The Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

The senate resumed the consideration of the resolution yesterday offered by Mr. Depauw, with the amendment proposed by Mr. Gregory, and which resolution and proposed amendment are as follows, to wit:

*Resolved*, That the committee on education, be directed to prepare and report to this house, a joint resolution, requiring the board of trustees of the Indiana college, to make and transmit to each branch of the next general assembly, a detailed statement in writing, showing the number and grade of officers and teachers, or professors, in that institution—their respective salaries and perquisites of office—the number of students in said college, and their respective places of residence—the rates of tuition fees by said board established—a description of the college edifice, and a statement of its cost, and other expenses, together with the library and apparatus, attached to the same:

The proposed amendment by Mr. Gregory is as follows:

“And what are the several branches, taught in the college, and what are the lectures delivered by the president and professors to the students on the sciences, christianity, and religion?”

Mr. Linton now withdrew his motion for indefinite postponement.

And on the question, shall the amendment, proposed by Mr. Gregory, be adopted?

It was determined in the negative—ayes 8, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool. Ewing, Givens, Gregory, Lemon, Lomax, Maxwell, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Clendenin, Daniel, Depauw, Fletcher, Graham, Linton, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

The original resolution, as offered by Mr. Depauw, was then read.

And on the question, shall this resolution be adopted?

It was determined in the negative.



The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

An act, altering the line, dividing the counties of Jefferson and Scott;

In which I am directed to ask the concurrence of the senate.

The house of representatives has passed an engrossed bill of the senate, entitled

An act, appointing commissioners to relocate the seat of justice of Dubois county; without amendment.

The engrossed bill, last above reported from the house of representatives for concurrence:

Was read, and passed to a second reading.

The bill was then read a second time, by common consent.

Ordered, That it be referred to a select committee, composed of Messrs. Sering, Graham and Orr, to consider and report thereon.

The engrossed bill, from the house of representatives, for the appropriation of money, to aid in building a bridge over Plumb creek;

Was read a second time; and

On motion by Mr. Stevens,

Amended, by adding to the end of the first section of the bill, the following *proviso*, to wit:

"*Provided, however, That said money shall not be drawn until said bridge is completed.*"

Ordered, That the amendment be engrossed, and with the bill, pass to a third reading.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives, has passed engrossed bills, of the following titles, viz:

An act, dividing the state into judicial circuits;

An act, amendatory to the several acts, regulating the duties and jurisdiction of justices of the peace;

An act, for the formation of a new county north of Marion and Hendricks counties; and

An act, to extend the corporation of Madison;

In which several acts, I am directed to ask the concurrence of the senate.

The engrossed bill from the house of representatives, dividing the state into judicial circuits:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent; when,

Mr. Morgan moved, that the further consideration thereof, be indefinitely postponed.

And on the question, shall this bill be indefinitely postponed?

It was determined in the negative—ayes 6, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Ewing, Givens, Lomax, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Graham, Gregory, Lemon, Linton, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

The engrossed bill, from the house of representatives, amendatory to the several acts, regulating the duties and jurisdiction of justices of the peace:

Was read a first time, and passed to a second reading.

The bill was then read a second time, by common consent.

*Ordered,* That it be committed to a committee of the whole senate.

The engrossed bill, from the house of representatives, for the formation of a new county north of Marion and Hendricks counties.

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered,* That it be committed to a committee of the whole senate.

The engrossed bill, from the house of representatives, to extend the corporation of Madison:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent;

And on motion,

*Ordered,* That it be committed to a select committee, composed of Messrs. Sering, Lomax and Lemon, to consider and report thereon.

And the senate adjourned.

FRIDAY, JANUARY 15, 1830

The Senate assembled.

Mr. Blair presented the petition of William Lawson, Richard Cox and sundry other citizens of his district, praying an alteration in a certain state road therein named:

Which was read.

*Ordered*, That it be referred to a select committee, composed of Messrs. Blair, Fletcher and Linton, to consider and report thereon.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act concerning the seminary site of Union county;

An act to locate a state road therein named and for other purposes;

An act concerning clerk's offices;

An act for the relief of James Ball;

An act to improve the navigation of Lost river, White Water river, and other streams therein named;

An act regulating the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum prices thereof;

A joint resolution relative to the establishment of a medical college, and for other purposes;

A joint resolution ratifying the compact between the states of Ohio and Indiana, in pursuance of the act of Congress, of the 24th of May, 1828; and,

A memorial of the general assembly of the state of Indiana to the congress of the United States on the subject of certain saline reserves;

And find the same truly enrolled.

Mr. Graham, from the committee of ways and means, to whom was referred the annual report of the auditor of public accounts and the treasurer of state, have had the same under consideration—and report:

That the committee are satisfied that the report of these officers, exhibit the state of the treasury, correctly. Your committee are aware, that subjects relative to revenue and taxation are more properly subjects of investigation in the other branch of the legislature, and that it is the uniform practice of that branch, to examine the books, papers, cash, &c. in the treasury, and publish their report annually. Under this consideration, your committee deems a particular exami-

ation of the treasury, or their part, unnecessary. The committee therefore ask to be discharged.

*Ordered*, That the committee of ways and means be discharged from the further consideration of that subject.

Mr. Graham, from the committee of ways and means, to whom was referred the report of the treasurer of state, in relation to stationary purchased for the use of the general assembly, carriage of the same, &c. Have examined and compared said report with the vouchers on file in the treasurer's office—and report:

That the report of the treasurer referred to, correspond with the vouchers in said office, in every particular. The committee therefore ask to be discharged.

*Ordered*, That the committee be discharged from the further consideration of the subject.

Mr. Maxwell, from the committee on education to which was referred a resolution of the senate instructing them to report a memorial to the congress of the United States, praying that scrip may be issued in place of lands to the inhabitants of certain townships and fractional townships which are destitute of the sixteenth sections granted by congress to the inhabitants of this state, also to obtain scrip for the use of the inhabitants of those townships where the sixteenth sections will not bring 1 25 cents per acre; have had the subject under consideration, and report a memorial as directed by said resolution:

The memorial of the general assembly of the state of Indiana, as last above reported by Mr. Maxwell from the committee on education:

Was read a first time, and passed to a second reading.

Mr. Sering, from the select committee to whom was referred the engrossed bill of the house of representatives, altering the line dividing the counties of Jefferson and Scott, now reported the bill to the senate without amendment.

*Ordered*, That it pass to a third reading.

Mr. Sering, from the select committee to whom was referred the engrossed bill of the house of representatives, extending the corporation of Madison, now reported the bill to the senate without amendment.

*Ordered*, That it pass to a third reading.

On motion by Mr. Graham,

The senate now proceeded to reconsider their vote of yesterday, on the resolution offered by Mr. Depauw, relative to the Indiana college.

Mr. Fletcher then proposed to amend the resolution by adding thereto the following, to wit:

And also to report whether the tenth section of the act to establish a college in the state of Indiana, approved, January 24, 1828, as been strictly complied with.

And on the question, shall this amendment be adopted?

It was determined in the affirmative.

And the question now recurring, shall the resolution as proposed by Mr. Depauw, and amended by Mr. Fletcher be adopted?

It was determined in the affirmative—ayes 16, noes 6.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Lomax, Maxwell, M'Kinney, Orr, Robb, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Linton, Morgan, Sering, Stevens.

The engrossed bill of the house of representatives, to provide for changing a part of the state road leading from Mauks' Ferry, to Indianapolis.

The engrossed bill of the house of representatives, for the relief of Samuel Postelwait of Dubois county.

The engrossed bill of the house of representatives, to legalize and establish the original survey in the town of Lafayette in the county of Tippecanoe:

Were severally read a second time.

*Ordered,* That they severally pass to a third reading.

The engrossed bill of the house of representatives, for the relief of the citizens of Daviess county:

Was read a second time.

*Ordered,* That it lie on the table,

The engrossed memorial of the general assembly of the state of Indiana, relative to a grant of land for the purpose of improving the mail route from New Albany, to Evansville:

Was read a second time.

*Ordered,* That it pass to a third reading.

The bill of the senate to repeal an act to establish the eastern boundary of Henry county, approved, January 26, 1827:

Was read a second time.

*Ordered*, That it be committed to a committee of the ~~table~~ senate.

The engrossed bill to appropriate a part of the three per cent. fund, to improve a certain state road therein named:

Was read a second time; when,

Mr. Blair moved to amend the said bill by striking out the words "one hundred and fifty dollars."

And on the question, shall the bill be so amended?

It was determined in the negative—ayes 8, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Depauw, Gregory, Linton, Orr, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Clendenin, Daniel, Ewing, Fletcher, Givens, Graham, Lemon, Maxwell, M'Kinney, Morgan, Robb, Stevens, Watts.

Mr. Robb then moved to amend the bill by adding thereto the following sections, to wit:

That the sum of one hundred dollars of the three per cent. fund, be and same is hereby appropriated to aid in the erection of a bridge over a Bayou, on the road leading from Princeton, in Gibson county, to Mount Carmel, in Wabash county, Illinois. To be appropriated in such manner and under the superintendence of such persons as the board of justices of Gibson county may direct. The said board of justices of Gibson county is hereby authorised and required to draw on the agent of the three per cent. fund, for the amount hereby appropriated to aid in the erection of said bridge over said Bayou, and the said agent is hereby required to pay the same.

That the sum of fifty dollars of the three per cent. fund, be, and the same is hereby appropriated to aid in erecting a bridge across Muddy creek, on the mail route leading from Petersburgh, in Pike county, to Peolia in Orange county.—To be applied in such manner and under the superintendence of such person or persons, as the board of justices of Pike county may direct. The said board of justices of Pike county, are hereby authorised and required to draw on the agent of the three per cent. fund, for the amount hereby appropriated, to aid in the erection of said bride over Muddy creek. And

the said agent of the three per cent. fund, is hereby required to pay the same:

Which were read and adopted as amendments to said bill.

Mr. M'Kinney moved to amend said bill by adding thereto the following section:

Sec. That the sum of five hundred dollars of said fund, be, and the same is hereby appropriated, to aid in the erection of a bridge over the East fork of White Water river, at the eastern termination of James' Street in the town of Brookville, which sum the agent of the said fund, shall pay over to the board of commissioners of Franklin county, to be expended and applied to the erection of said bridge, and the said board are authorised to draw upon the agent for the sum aforesaid; *Provided, however,* That said sum shall not be drawn until said bridge is erected.

And on the question, shall this amendment be adopted?

It was determined in the affirmative—ayes 17, noes 5.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Clendenin, Ewing, Fletcher, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Givens, Graham, Lemon.

Mr. Ewing then proposed to amend the bill by adding thereto the following as an additional section, to wit:

That the sum of three hundred dollars, be, and the same is hereby appropriated out of the fund commonly called the three per cent. fund, which sum the agent of said fund, shall pay over to the board doing county business, for the county of Knox, to be expended and applied under the direction of said board doing county business, to improve that portion of the state road leading from to New Albany through the bottom of White river, on the west side thereof and within said county, and the said board are authoresed to draw upon the agent for the sum aforesaid.

Which proposed amendment having been read at the secretary's table; previous to taking any question thereon, Mr. Worth moved that the further consideration of the said bill be indefinitely postponed.

And on the question, shall the further consideration of said bill be indefinitely postponed?

It was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Fletcher, Graham, Gregory, Linton, Lomax, Maxwell, Orr, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Ewing, Givens, Lemon, M'Kinney, Morgan, Robb, Stevens, Watts.

The bill for the benefit of the inhabitants or citizens of other states travelling through or within this state:

Was read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

The engrossed bill providing for a state road from Noblesville to Logansport, and from Indianapolis by Pendleton to Andersonstown:

Was read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

The bill providing for the opening of a part of the Michigan state road:

Was read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

The bill in relation to the action of trespass:

Was read a second time.

*Ordered,* That it be engrossed and pass to a third reading.

The President laid before the senate the following communication from the Governor:

INDIANAPOLIS, INDIANA. }  
January 15th, 1830, }

MILTON STAPP,

*President of the Senate.*

Sir:—I have this day deposited in the office of the secretary



of state for the use of the state, maps of the states of Virginia and Missouri, and of the improved part of the territory of Michigan.

Very respectfully,

Your obedient servant,

J. BROWN RAY.

The engrossed bill from the house of representatives, to amend an act regulating the practice in suits at law, approved, January 30, 1824:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives, to incorporate the Franklin county seminary:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed joint resolution of the house of representatives, relative to the deaf and dumb persons in this state:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill to locate a state road from Troy, in Perry county, to Washington, in Daviess county:

Was read a second time; when,

Mr. Daniel proposed to amend the bill by adding thereto the following as an additional section, to wit:

Sec. That James Rodgers and John L. Smith, of Crawford county, and Thomas Chacen, of Dubois county, are hereby appointed commissioners, and they or a majority of them shall meet on the first Monday of May next, or on some other day, as a majority may agree upon in the town of Levenworth, in Crawford county, and proceed to lay out a state road from said town the nearest and best way to intersect in the direction of Washington, a state road directed by this act to be laid out from Troy, in Perry county, to Washington, in Fountain county. Said commissioners shall measure the length of the road in each county, and return such length, and the situations of the road to the board of justices in each county, and the board shall cause the returns to be recorded, and the road to be opened and made a good passable road and ever after kept in good repair, thirty feet wide, under the same laws, and in the same manner as county roads are opened and kept in repair. The board of justices in each county, shall make a reasonable allowance to the commissioners for their services, which shall, in each county be in proportion to the length of

the roads in each county, and paid out of the county treasuries.

Which proposed amendment having been read, previous to taking any question thereon.

On motion by Mr. Robb,

*Ordered*, That the bill and proposed amendment be committed to a select committee, composed of Messrs. Robb, Daniel, Givens and Ewing, to consider and report thereon.

The engrossed bill from the house of representatives, for the relief of Walter Pennington, and for other purposes:

Was read a second time; and,

On motion,

*Ordered*, That it be committed to a select committee composed of Messrs. Depauw, Gregory and Graham to consider and report thereon.

The bill to provide for better securing the monies arising from the sale of the school lands in this state:

Was read a second time.

*Ordered*, That it lie on the table;

And that five hundred copies of the report of the select committee, which accompanied this bill on yesterday morning, be printed for the use of the senate.

And the senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives has adopted the following resolution, viz:

*Resolved*, That the senate be requested to elect a sergeant at arms to act during the residue of the present session of the general assembly.

On motion by Mr. Orr,

*Resolved*, That the senate do now go into the election of a sergeant at arms.

Whereupon, Messrs. Maxwell and Orr having been appointed tellers, the senate proceeded to elect by ballot, a sergeant at arms; when,

Upon counting the ballots as reported by the tellers, it was found that Harvey Gregg was duly elected serjeant at arms, he having received fifteen votes, which was a majority of all the votes given—the president then proclaimed the said Harvey Gregg, to be duly elected serjeant at arms for the present session of the general assembly; who was thereupon called into the senate chamber, and sworn into office, by Henry Bradley, esquire, justice of peace for Marion county, in the state of Indiana.

*Ordered*, That the house of representatives be informed thereof.

The following message was received from the house of representatives, by Mr. Hennegin, their enrolling clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

An act to incorporate the town of Jeffersonville, in the county of Clark;

In which I am directed to ask the concurrence of the senate.

The foregoing engrossed bill last reported from the house of representatives for concurrence:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it be referred to a select committee. composed of Messrs. Lemon, Depauw and Graham, to consider and report thereon.

The President laid before the senate the following:

SECRETARY'S OFFICE, }  
January 15, 1830. }

HON. MILTON STAPP,

*President of the Senate:*

Sir:—I take the liberty to inform the senate through you, that Gov. Ray has this day deposited in this department, a map of the surveyed part of the territory of Michigan; one, of the states of Missouri and Illinois and territory of Arkansas; and a very splendid one of the state of Virginia.

Respectfully submitted.

JAMES MORRISON:

Governor's communication.

The engrossed bill from the house of representatives, to incorporate the Hamilton, Rossville and Richmond turnpike company :

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill for the appropriation of money, to aid in building a bridge over Plumb creek, as amended in senate:

Was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed of the passage of the foregoing bills, and concurrence in the amendment made to the last mentioned bill requested.

The senate, according to order, resolved itself into committee of the whole, on the bill providing means to construct the portion of the Wabash and Erie canal within the state of Indiana; Mr. Lomax in the chair, when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate, with amendments, and a request for concurrence therein.

And previous to taking any question thereon,

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives concur in the amendments proposed by the senate, to the engrossed bill of the house, entitled

An act for the appropriation of money to aid in building a bridge over Plumb creek.

The house of representatives has passed an engrossed bill, entitled,

An act for the improvement of the state road leading from Shelbyville, in Shelby county, to Andersonville, in Franklin county;

In which I am directed to ask the concurrence of the senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act making appropriations for the improvement of the navigation of Flat Rock;

An act to amend the act regulating estrays and water crafts oing a drift;

An act to improve the State road from Liberty, in Union county via Abington and Centreville to New Castle, in Henry county;

An act for the relief of Benjamin Jones of Sullivan county;

An act to change the mode of doing county business in the county of Delaware and for other purposes; and,

An act authorizing the leasing of the French Lick reserve, in Orange county;

In which I am directed to ask the concurrence of the senate.

The house of representatives has passed an engrossed bill of the senate, entitled,

An act for the relief of Drury Holt and Vincent Cooper, without amendment.

The Speaker of the house of representatives, having signed several enrolled bills and joint resolutions, I am directed to bring the same up to the senate for the signature of their President.

The enrolled bills last reported from the house of representatives, as having been signed by their Speaker, were now signed by the President of the senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

And the Senate adjourned.

SATURDAY, JANUARY 16, 1836.

The Senate assembled.

The President laid before the senate a communication from James B. Ray, in the nature of a remonstrance, against calling a certain new county therein spoken of, "Ray:"

Which was read.

*Ordered*, That it be committed to the same committee of the whole senate, to whom was committed the bill on that subject.

Engrossed bills of the following titles, from the house representatives, to wit:

An act, making appropriations for the improvement of the navigation of Flat Rock.

An act, to amend the act, regulating estrays and water craft going adrift;

An act, to improve the state road from Liberty, Union county via Abington and Centerville, to Newcastle, in Henry county;

An act, for the relief of Benjamin Jones of Sullivan county;

An act, to change the mode of doing county business in the county of Delaware, and for other purposes; and

An act, authorising the leasing of the French Lick reserve in Orange county;

Were severally read a first time, and passed to a second reading.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill from the senate, entitled

An act, to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured, with one amendment;

In which I am directed to ask the concurrence of the senate.

The senate proceeded to consider the amendment, proposed by the house of representatives, to the bill of the senate, last reported from that house.

*Ordered*, That the amendment be concurred in, and that the house of representatives be informed thereof.

Mr. Maxwell, from the committee on education, to whom was referred a resolution of the senate, directing them to report a joint resolution of the general assembly of the state of Indiana, making it the duty of the trustees of the Indiana college, to report to the next general assembly, on the state and finances of said college, have performed that duty, and now report a joint resolution as required.

The joint resolution, concerning the Indiana college, as reported by Mr. Maxwell, from the committee on education:

Was read a first time, and passed to a second reading.

Mr. Sering, on leave being granted, introduced a joint resolution, relative to the agent of the three per cent. fund:

Which was read a first time, and passed to a second reading.

On motion by Mr. Givens,

*Ordered*, That Mr. Gregory have leave of absence until Monday next.

Mr. Lemon, on leave being granted, introduced a bill, ac-

thorising the erection of a bridge over Silver creek, in Clark county:

Which was read a first time, and passed to a second reading.

The memorial of the general assembly of the state of Indiana:

Was read a second time.

*Ordered*, That it be considered as engrossed, and pass to a third reading.

The following message was received from the Governor, by Mr. Sharpe, his private secretary:

MR. PRESIDENT:

I am requested by his Excellency the Governor, to inform the senate that he did, on Thursday last, approve and sign,

A memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands, within the state of Indiana; which originated in the senate.

The engrossed memorial of the general assembly of the state of Indiana, relative to a grant of land, for the purpose of improving the mail route from New Albany to Evansville, from the house of representatives:

Was read a third time.

*Resolved*, That this memorial pass.

The engrossed bill, from the house of representatives, altering the line, dividing the counties of Jefferson and Scott:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill, from the house of representatives, extending the corporation of Madison:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill, from the house of representatives, to incorporate the Franklin seminary:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill, from the house of representatives, to provide for changing a part of the state road, leading from Mauck's ferry to Indianapolis:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill, from the house of representatives, for the relief of Samuel Postlewait of Dubois county:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed joint resolution, from the house of representatives, relative to deaf and dumb persons in this state:

Was read a third time.

*Resolved*, That this joint resolution pass.

The engrossed bill, of the senate, in relation to the action of trespass:

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled, "An act."

*Ordered*, That the house of representatives be informed of the passage of the foregoing bills, memorial and resolution, and a request for concurrence in the bill, last above mentioned.

The engrossed bill, from the house of representatives, to legalize and establish the original survey in the town of Lafayette, in the county of Tippecanoe:

Was read a third time.

On motion,

*Ordered*, That it be referred to a select committee, composed of Messrs. Givens, Orr and Blair, to consider and report thereon.

On motion by Mr. Maxwell,

The orders of the day were dispensed with for the present, and

The engrossed bill of the house of representatives, dividing the state into judicial circuits, was taken up.

On motion by Mr. Lomax,

*Ordered*, That the committee of the whole senate, be discharged from the further consideration of the said bill; when,

Mr. McKinnel moved that the bill be committed to the committee on the judiciary, with instructions to amend the bill, by providing for three terms in each of said circuits, and fixing the times of holding courts in said circuits; when,

Mr. Robb moved to amend the said instructions, by adding thereto, "that the state shall be divided into six judicial circuits."

Which was determined in the negative—ayes 2, noes 19.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Ewing, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Depauw Fletcher, Givens, Graham, Lemon, Linton, Lomax, Maxwell, McKinnel, Morgan, Orr, Sering, Stevens, Watts, Worth.



And on the question shall the bill be committed to the judiciary committee with instructions as proposed by Mr. M'Kinney?

A division of the question was called for, and the question being put, shall the bill be committed to the judiciary committee?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Ewing, Givens, Graham, Lemon, Lomax, M'Kinney, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Depauw, Fletcher, Linton, Maxwell, Orr, Sering, Stevens, Watts, Worth.

Mr. Ewing then moved to commit the bill to the judiciary committee, "with instructions to equalize the duties of the present circuit judges, in regard to travel and time required of them for the performance of their official duties."

And on the question, shall the bill be committed with these instruction?

It was determined in the negative—ayes 7, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Ewing, Givens, Lemon, Lomax, Morgan, Robb, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Depauw, Fletcher, Graham, Linton, Maxwell, M'Kinney, Orr, Sering, Stevens, Worth.

Mr. Graham, then moved, that the bill be recommitted to the judiciary committee, with instructions, so to amend it, as to fix the times of holding courts in the several counties of the several circuits;

And on the question, shall the bill be committed with these instructions?

It was determined in the negative.

And on the question, shall the bill pass to a third reading?

It was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Linton, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Clendenin, Ewing, Givens, Graham, Lemon, Lomax, Morgan, Robb,  
And the senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The senate resumed the consideration of the bill, providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana, and the amendments made in committee of the whole senate, to said bill.

The first amendment being read at the secretary's table, was concurred in:

And the second amendment, made in committee of the whole, to said bill, being then read as follows, to wit:

"And a general reservation shall be made on the north and south side of the Wabash river, from the mouth of Eel river, to the probable southern termination of the canal, in all lands sold of a right to enter thereon, and construct the canal, as may be hereafter deemed expedient by the general assembly."

And on the question, shall this amendment be concurred in?

It was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Linton, Maxwell, Morgan, Orr, Robb, Sering, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Ewing, Lemon, Lomax, M'Kinney, Watts.

The residue of the amendments, made in committee of the whole, were then read severally, and concurred in.

Mr. Watts then moved to amend the bill, by striking out of the fourth section, all after the words, "may select," in the 16th line of said section, being that part of said section, which gives authority to the commissioners to bid off canal lands for the use of, and in the name of the state.

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Ewing, Givens, Lemon, Lomax, M'Kinney, Morgan, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Depauw, Fletcher, Graham, Linton, Maxwell, Orr, Robb, Sering, Worth.

Mr. Graham then moved to amend the bill, by adding at the end of the section, the following proviso:

"Provided, That nothing in this act contained, shall ever be constructed as pledging in any manner, the revenues of the state, for the completion of the work or any part thereof."

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Givens, Graham, Lemon, Lomax, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Ewing, Fletcher, Linton, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

Mr. M'Kinney moved to amend the bill, by striking out of the 9th section, all from the 19th line inclusive, which reads as follows, to wit:

"The said commissioners shall, within thirty days after the receipt of any monies on account of land sales, under this act, pay the same to the treasurer of state, who shall hold said money, as the Wabash and Erie canal fund, subject to the general assembly, for the advancement of that work."

And on the question, shall the bill be so amended?

It was determined in the negative—ayes 5, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Ewing, Givens, Maxwell, M'Kinney:

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendenin, Depauw, Fletcher, Graham, Lemon, Linton, Lomax, Morgan, Orr, Robb, Sering, Stevens, Watts, Worth.

Mr. Lemon moved to amend the bill, by adding at the end of the section, the following:

*"Provided, however, That this act shall not take effect or be in force until after the state of Ohio shall have ratified the compact made and entered into by Wyllys Silliman, on the part of Ohio, and Jeremiah Sullivan of Indiana."*

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Fletcher, Givens, Graham, Lemon, Lomax, Morgan.

*Those who voted in negative, were,*

Messrs. Blair, Ewing, Linton, Maxwell, M'Kinney, Orr, Robb, Sering, Stevens, Watts, Worth.

Mr. Robb then moved to amend the bill, by adding after the word, "board," in the first line of the fifth section, the following, to wit:

*"Shall, if they deem expedient, lay out and sell in town lots, such eligible situation for towns, as they may conceive will produce a greater amount than could therefor be obtained, if such sites were exposed to sale in half quarter sections, and,"*

Which amendment was not adopted.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill, entitled

An act, providing for the re-location of the county seat of Sullivan county;

In which I am directed to ask the concurrence of the senate.

Mr. Maxwell, from the joint committee on enrolled bills, now

reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act for the relief of Drury Holt and Vincent Cooper;

An act appointing commissioners to relocate the seat of justice in Dubois county; and

An act, to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured;

And find the same truly enrolled.

Mr. Fletcher, from the joint committee on enrolled bills, now reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills and joint memorial and joint resolutions, to wit:

An act to locate a state road therein named and for other purposes;

An act concerning the seminary site of Union county;

An act for the relief of James Ball;

An act to improve the navigation of Lost river, White Water river, and other streams therein named;

An act requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum price thereof;

An act concerning clerk's offices;

An act to incorporate the Greencastle seminary society;

An act to relocate part of the state road, leading from Madison to Lawrenceburgh;

A joint resolution relative to the establishment of a medical college, and for other purposes;

A joint resolution ratifying the compact between the states of Ohio and Indiana, in pursuance of the act of Congress of the 24th of May, 1823; and,

A memorial of the general assembly of the state of Indiana to the congress of the United States on the subject of certain saline reserves.

The Senate adjourned.

MONDAY, JANUARY 18, 1830.

The Senate assembled.

The engrossed bill providing for the relocation of the seat of justice of Sullivan county, reported from the house of representatives on Saturday for concurrence:

Was read a first time, and passed to a second reading.

The bill was then read a second time, by common consent.

And on motion,

Ordered, That it be referred to a select committee, composed of Messrs. Linton, Maxwell and Orr, to consider and report thereon.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives, has passed engrossed bills of the following titles, viz:

An act to authorise the board of justices of Pike county, to levy an additional tax in said county;

An act relative to Twin creek;

An act for the better support of the poor of Floyd county;

An act to establish a state road from Evansville to Anthoney's ferry; and,

An engrossed joint resolution, respecting an amendment to the constitution of the United States, on the subject of the election of president and vice president;

In which several acts and joint resolution, I am requested to ask the concurrence of the senate.

The house of representatives has passed engrossed bills, from the senate of the following titles, viz:

An act to extend a certain act therein named, to the county of Warren;

An act to authorize the collector of Jackson county for 1829, to sell certain lands for the taxes due thereon, and for other purposes; and,

An engrossed memorial of the general assembly of the state of Indiana to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river with its branches, and improving the great western mail route from Louisville, Ky. through New Albany, Paoli, Mount Pleasant and Washington to Vincennes, each with amendments.

In which I am directed to ask the concurrence of the senate.

The Speaker of the house having signed an enrolled bill entitled,

An act for the relief of Drury Holt and Vincent Cooper;

I am directed to bring the same to the senate, for the signature of their president.

The engrossed bill from the house of representatives, to authorize the board of justices of Pike county to levy an additional tax, in said county;

Was read a first time, and passed to a second reading.

The engrossed bill from the house of representatives, relative to Twin creek:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it be committed to a committee of the whole senate

The engrossed bill from the house of representatives, for the better support of the poor of Floyd county:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it pass to a third reading.

The engrossed bill to establish a state road from Evansville to Anthony's ferry, from the house of representatives:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it pass to a third reading.

The engrossed joint resolution respecting an amendment to the constitution of the United States, from the house of representatives:

Was read a first time, and passed to a second reading.

The joint resolution was then read a second time by common consent.

*Ordered*, That it be committed to the same committee of the whole senate, to which a resolution of the senate, on the same subject had been committed.

The senate proceeded to consider the amendments proposed by the house of representatives, to the engrossed bill of the senate, entitled,

An act to extend a certain act therein named, to the county of Warren, and the amendments proposed by the house of representatives, to the engrossed bill of the senate, entitled,

An act to authorize the collector of Jackson county, for 1829, to sell certain lands for the taxes due thereon, and for other purposes, and the said several amendments, to the said several bills were read and concurred in.

*Ordered*, That the house of representatives be informed thereof.

The senate then proceeded to consider the amendments proposed by the house of representatives to the engrossed memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river, with its branches, and improving the great western mail route from Louisville, Ky. through New Albany, Paoli, Mount

Pleasant and Washington to Vincennes, and the same having been read and considered, were concurred in.

*Ordered*, That the house of representatives be informed thereof.

The president of the senate having now signed the enrolled bill last reported from the house of representatives, as having been signed by the speaker, it was handed to the committee on enrolled bills to be laid before the governor for his approval and signature.

Mr. Lemon, from the select committee to whom had been referred the engrossed bill of the house of representatives, to incorporate the town of Jeffersonville in the county of Clark; now reported the bill to the senate without amendment.

*Ordered*, That the bill pass to a third reading.

Mr. Givens, from the select committee to whom had been referred the engrossed bill to legalize and establish the original survey in the town of Lafayette, in the county of Tippecanoe; report the same to the senate with an amendment, which was by adding two additional sections thereto, and in the 12th line after the word, 'it' insert 'is,' all of which amendments, were read at the secretary's table and concurred in.

The bill as amended, was then read a third time and passed.

*Ordered*, That the title be,

An act to legalize and establish the original surveys in the towns of Lafayette and Mount Vernon, in the counties of Tippecanoe and Posey.

And that the house of representatives be informed thereof, and concurrence in the proposed amendments requested.

The engrossed bill to change the mode of doing county business in the county of Delaware and for other purposes, from the house of representatives:

Was read a second time, and laid on the table.

The engrossed bill from the house of representatives, authorizing the leasing of the French lick reserve, in Orange county:

Was read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The joint resolution concerning the Indiana college:

Was read a second time, amended by common consent; and,

*Ordered*, To be engrossed, and pass to a third reading.

The joint resolution relative to the agent of the three per cent. fund:

Was read a second time.



And on the question, shall this joint resolution be engrossed and pass to a third reading?

It was determined in the affirmative—ayes 12, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Clendenin, Ewing, Givens, Linton, Lomax, M'Kinney, Orr, Sering, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Graham, Gregory, Lemon, Maxwell, Morgan, Robb, Stevens.

Mr. Robb, from the select committee to whom had been referred the engrossed bill from the house of representatives to locate a state road from Troy, in Perry county to Washington, in Davies county, with an amendment thereto, as proposed by Mr. Daniel; now report the said bill and amendment, under consideration, and are of opinion, that the road proposed by the said amendment, will not be found beneficial to the public, and that it will be extremely burthensome to the inhabitants of the counties through which it passes without affording to them any important or equivalent advantages, and as there is no petition from the people requiring any such road; the committee therefore recommend that the senate refuse to concur in the amendment bill proposed to said by Mr. Daniel; which report having been read.

*Ordered,* That it be concurred in, and that the bill pass to a third reading without amendment.

Mr. Depauw offered for consideration and adoption the following resolution, to wit:

*Resolved,* That the committee on the judiciary be hereby instructed to prepare and report to the senate, a bill fixing the periods for holding the several circuit courts, in the several counties in this state, and that said committee be enlarged so that no circuit shall be without a senator on said committee.

Which resolution having been read.

*Ordered,* That it lie on the table.

The engrossed bill from the house of representatives for the improvement of the state road from Shelbyville, in Shelby county, to Andersonville, in Franklin county:

Was read a second time; when,

Mr. Robb moved that the further consideration of this bill be indefinitely postponed.

And on the question, shall the further consideration of this bill be indefinitely postponed?

It was determined in the affirmative—ayes 13, noes 9.  
The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Depauw, Ewing,  
Givens, Graham, Lemon, Linton, Maxwell, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Fletcher, Gregory, Lomax, M'Kinney, Morgan,  
Sering, Stevens, Watts, Worth.

The engrossed bill from the house of representatives, for  
the improvement of the navigation of Flat Rock:

Was read a second time; when,

Mr. Robb proposed that the bill be indefinitely postponed.

And on the question, shall the further consideration of this  
bill be postponed indefinitely?

It was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Depauw,  
Givens, Linton, Maxwell, M'Kinney, Orr, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Ewing, Fletcher, Graham, Gregory, Lemon, Lomax,  
Morgan, Sering, Stevens, Watts.

The engrossed bill to amend the act regulating estrays and  
water crafts going adrift:

Was read a second time; when,

Mr. Worth moved to postpone the further consideration of  
this bill indefinitely.

And on the question, shall the further consideration of the  
bill be indefinitely postponed?

It was determined in the negative.

On motion,

The bill was then committed to a select committee, com-  
posed of Messrs. Depauw, Graham and Fletcher, to consider  
and report thereon.

The engrossed bill from the house of representatives, to  
improve the state road from Liberty, Union county, via Ab-  
ington and Centreville to New Castle, in Henry county.

Was read a second time; when,

Mr. Robb moved that the further consideration of this bill  
be indefinitely postponed.

And on the question, shall this bill be indefinitely postponed?

It was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Clendenin, Depauw, Givens, Graham, Lemon, Linton, Maxwell, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Ewing, Fletcher, Gregory, Lomax, M'Kinney, Morgan, Stevens, Watts.

The engrossed bill for the relief of Benjamin Jones of Sullivan county, from the house of representatives:

Was read a second time; when,

Mr. Orr moved that the further consideration of this bill be indefinitely postponed.

And on the question, shall the further consideration of this bill be indefinitely postponed?

It was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being requested by two senators;

*Those who voted in the affirmative, were,*

Messrs. Blair, Clendenin, Daniel, Depauw, Givens, Graham, Gregory, Lemon, Maxwell, M'Kinney, Morgan, Orr, Sering.

*Those who voted in the negative, were,*

Messrs. Claypool, Ewing, Fletcher, Linton, Lomax, Robb, Stevens, Watts, Worth.

The bill authorizing the erection of a bridge over Silver creek, in Clark county:

Was read a second time; and,

On motion by Mr. Robb, the further consideration of said bill was indefinitely postponed—ayes 12, noes 10.

The ayes and noes being requested by two senators;

*Those who voted in the affirmative, were,*

Messrs. Blair, Clendenin, Daniel, Ewing, Linton, Lomax, Maxwell, M'Kinney, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Depauw, Fletcher, Givens, Graham,  
Gregory, Lemon, Morgan, Stevens, Watts.  
And the senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The engrossed joint memorial of the state of Indiana:

Was read a third time, and passed.

*Ordered*, That the house of representatives be informed  
thereof, and concurrence requested.

The engrossed bill, from the house of representatives, di-  
viding the state into judicial circuits:

Was taken up, read a third time, when

Mr. Clendenin moved to commit said bill to the judiciary  
committee, with instructions to attach the counties of Orange  
and Lawrence, to the seventh judicial circuit, with such other  
amendments as may then be found necessary to provide for the  
terms of circuits, and the times of holding courts.

And on the question, shall the bill be recommitted with  
these instructions?

It was determined in the negative—ayes 6, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Ewing, Lemon, Lomax, Morgan, Robb-

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Givens,  
Graham, Gregory, Linton, Maxwell, M'Kinney, Orr, Sering,  
Stevens, Watts, Worth.

Mr. Graham moved to amend the foregoing proposed instruc-  
tions, as proposed by Mr. Clendenin, to read as follows, to wit:

"To provide for the time of holding courts in the several  
counties."

And on the question, shall the instructions be so amended?

It was determined in the negative—ayes 3, noes 19.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Depauw, Graham, Lemon.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Ewing, Fletcher, Givens, Gregory, Linton, Lomax, Maxwell, Morgan, M'Kinney, Orr, Robb, Sering, Stevens, Watts, Worth.

Mr. Morgan moved to recommit the said bill to the committee on the judiciary, with instructions, to fix the time of holding courts, allowing two terms only.

And on the question, shall the bill be committed with those instructions?

It was determined in the negative—ayes 6, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Ewing, Graham, Lemon, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Givens, Gregory, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

Mr. Clendenin moved to recommit the said bill to the committee on the judiciary, with instructions to "attach the county of Orange to the seventh judicial circuit."

And on the question, shall the bill be recommitted with those instructions?

It was determined in the negative—ayes 7, noes 15.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Daniel, Ewing, Gregory, Lemon, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Depauw, Fletcher, Givens, Graham, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Sering, Stevens, Watts.

Mr. Ewing then moved to recommit the bill to the committee on the judiciary, with instructions "to provide for the terms of holding courts in the several circuits."

And on the question, shall the said bill be recommitted with these instructions?

It was determined in the negative—ayes 6, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Ewing, Graham, Lemon, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Lomax, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

Mr. Robb moved to postpone the further consideration of said bill until the first Monday in August next;

Which motion was determined in the negative—ayes 6, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Clendenin, Ewing, Givens, Lemon, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Graham, Gregory, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

The question then recurring, shall the bill pass?

It was determined in the affirmative—ayes 14, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Fletcher, Graham, Gregory, Linton, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Ewing, Givens, Lemon, Lomax, Morgan, Robb.

Ordered, That the house of representatives be informed thereof.

The senate now resumed the consideration of the bill, providing means to construct that portion of the Wabash and Erie canal, within the state of Indiana.

Mr. Fletcher moved to amend said bill, in the ninth section and seventeenth line, by striking out the word "fifty," and inserting in lieu thereof, the words "one hundred:"

Which motion was determined in the negative:

Mr. Fletcher then moved to amend said bill, in the last line of the eighteenth section, by adding the following, to wit: "for which service, the patentee shall pay the secretary of state the sum of one dollar:"

Which amendment was read and adopted.

Mr. Graham then moved "that the bill in relation to the canal lands, be committed to the committee on canals and internal improvements, with instructions, to amend the same, so as to provide for the sale of said lands, and for depositing the proceeds in the state treasury, subject to the disposition of a future legislature; the money so deposited and the whole of the proceeds of said lands, to be applicable only to the objects contemplated in the act of congress—approved, 2d of March, 1829, entitled an act, to grant a certain quantity of land to the state of Indiana, for the purpose of aiding the said state in connecting, by a canal, the waters of the Wabash river with those of Lake Erie."

And on the question, shall the bill be committed with those instructions?

It was determined in the negative—ayes 10, noes 12.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Depauw, Givens, Graham, Lemon, Maxwell, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, Lomar, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

Mr. Robb moved to recommit the bill to the committee on canals and internal improvements, with instructions to amend it, so as to provide, that all money which may have been heretofore paid, or which may hereafter be paid out of the state treasury, in discharge of any expenses heretofore incurred, or hereafter to be incurred, either directly or indirectly by the canal project, shall be refunded to the state treasury out of the first monies arising of the sales of canal lands.

And on the question, shall the bill be committed with those instructions?

It was determined in the negative.

Mr. Robb moved to amend said bill, in the ninth section, by adding at the end thereof, the following, to wit: "and the additional salaries hereby provided to be paid to the auditor of

public accounts and treasurer of state, and to be paid to the secretary of state, shall be paid out of the canal funds?"

Which amendment was read and adopted.

Mr. Robb then moved to amend the said bill, by adding to the end of the twelfth section, the following, to wit: "and the said sum of seven hundred and forty-three dollars and ninety-six cents, hereby appropriated, and all other monies heretofore appropriated and paid out of the state treasury, on account of said canal, shall be refunded to the state of Indiana, out of the first monies arising from the sale of the canal lands.

And on the question, shall the bill be so amended?

It was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Lemon, Lomax, M'Kinney, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Gregory, Linton, Maxwell, Morgan, Orr, Ser-  
ing, Stevens, Watts, Worth.

Mr. M'Kinney moved to recommit said bill, with instructions, to enquire into the expediency and effect of the following clauses and amendments, viz:

First. The clause of the fourth section, authorising the commissioners to bid off tracts of land on behalf of the state; and if this clause be found dangerous as admitting the validity of interested reports, which may be circulated to postpone a sale of choice tracts, that they may be procured the more readily at after sales, not so numerously attended, and thus produce the very evil it would seem to guard against, to expunge the same.

Second. The clause in the ninth section, that requires our state treasury to become a place of deposit for canal funds: and if this clause be found to incur unnecessary expense, without additional safety or profit, to expunge the same, and to substitute some other place more advantageous.

Third. The amendment approved of, which requires land to be reserved on the south side of the Wabash for canal purposes: and if this amendment tends to furnish to the avowed enemies of the bill, any additional pretexts of opposition, or to show a willingness on our part, to encounter great expense without correspondent benefit, or be in any degree calculated to injure the sale of the land, by exciting an idea of uncer-



tainty respecting the location of the canal line made for its selection; or be a manifestation of indifference to our general state interests, to gratify a local desire, or to trample upon a wise economy in overlooking the preference due to official estimates, which distinctly point to the north side of the river as affording the most advisable, short, cheap and practicable route, on the margin thereof, the original bill provided for all necessary reservations; or if it furnish to the inhabitants of the south side, any grounds to predicate future complaints and applications for damages, to expunge the same, and to report the bill so amended to the senate.

Mr. Lomax moved to amend the said instructions, by striking therefrom, the second clause, which authorizes the officers of state to secure the funds.

And on the question, shall the instructions be so amended?

It was determined in the negative—ayes 5, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Ewing, Lemon, Lomax, M'Kinney, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Clendennn, Daniel, Depauw, Fletcher, Givens, Graham, Gregory, Linton, Morgan, Orr, Robb, Sering, Stevens, Worth.

And on the question, shall the bill be recommitted, as proposed by Mr. M'Kinney?

It was determined in the negative.

And on the question, shall the said bill be engrossed and pass to a third reading?

It was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, M'Kinney, Morgan, Orr, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Givens, Graham, Lemon, Lomax.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills from the senate, entitled

An act amendatory of an act, authorising the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington, approved, January 7th, 1828; and

An act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes; both with amendments:

In which I am directed to ask the concurrence of the senate.

The house of representatives concur in the amendments, proposed by the senate to the engrossed bill of the house, entitled

An act to legalize and establish the original survey in the town of Lafayette, in the county of Tippecanoe.

The enrolled bills last reported from the house of representatives, as having been signed by their Speaker, were now signed by the President of the senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

And the Senate adjourned.

TUESDAY, JANUARY 10, 1830.

The Senate assembled.

The senate now proceeded to consider the amendments proposed by the house of representatives, to the engrossed bill of the senate, amendatory of an act authorizing the leasing of Royce's lick and Rock lick reserves, in the county of Washington, approved, Januray 7, 1828, and the same having been read.

*Ordered*, That the bill and proposed amendments lie on the table.

The senate proceeded to consider the amendments proposed by the house of representatives, to the bill of the senate, to attach that part of the town of Paris, which lies in Jefferson county to the county of Jennings, and for other purposes; and the same having been read.

*Ordered*, That the bill and proposed amendments lie on the table.

The resolution yesterday offered by Mr. Depauw, proposing to instruct the judiciary committee to prepare and report a bill fixing the times of holding courts, in the several judicial circuits in this state, was now taken up and read; when,

Mr. Lemon moved to amend said instructions, so as to make it imperative on the committee to provide for two terms in each county in each year.

And on the question, shall the proposed instructions be so amended?

It was determined in the affirmative—ayes 11, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Fletcher, Graham, Lemon, Morgan, Orr, Robb, Watts.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Givens, Gregory, Linton, Lomax, M'Kinney, Sering Stevens.

*Ordered*, That it lie on the table.

The following message was received from the governor, by Mr. Sharpe, his private secretary, to wit:

MR. PRESIDENT:

I am requested by his excellency the governor to inform the senate, that he did on yesterday approve and sign,

An act for the relief of James Ball;

An act to incorporate Greencastle seminary society;

An act concerning clerk's offices;

An act to improve the navigation of Lost river, White Water river and other streams therein named;

An act requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum prices thereof; and,

A memorial of the general assembly of the state of Indiana to the congress of the United States, on the subject of certain saline reserves.

All of which originated in the senate.

Mr. Ewing offered for consideration and adoption the following resolution, to wit:

*Resolved*, That the state printer be instructed to attach, by way of appendix, to the journals of this session of the general

assembly, the memoir of Col. Moore, embracing his survey and estimates of the Wabash and Erie canal, and the reports of our canal commissioners of the last and present years:

Which having been read, was adopted—ayes 14, noes 6.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Ewing, Gregory, Lemon, Lomax, M'Kinney, Orr, Robb, Sering, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Fletcher, Givens, Graham, Linton, Morgan, Stevens.

On motion by Mr. Orr,

The vote on the adoption of the foregoing resolution, was now reconsidered in senate.

And the question again recurring, shall this resolution be adopted?

It was determined in the negative—ayes 7, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Depauw, Ewing, Lomax, M'Kinney, Sering, Watts.

*Those who voted in the negative, were,*

Messrs. Clendenin, Daniel, Fletcher, Givens, Gregory, Lemon, Linton, Morgan, Orr, Robb, Stevens, Worth.

On motion by Mr. Clendenin,

The engrossed bill from the house of representatives, to amend the act entitled an act, appointing commissioners to relocate the seat of justice of Lawrence county, approved, December 26. 1828, and which was laid on the table on the 28th ult., was now taken up, again read.

*Ordered,* That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives, to authorize the board of justices of Pike county, to levy an additional tax in said county:

Was read a second time.

*Ordered,* That it pass to a third reading.

The engrossed bill from the house of representatives, for the better support of the poor of Floyd county:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, to establish a state road from Evansville to Anthony's ferry:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, to incorporate the town of Jeffersville, in the county of Clark:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, to locate a state road from Troy, in Perry county, to Washington, in Daviess county:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed joint resolution concerning the Indiana college:

Was read a third time.

*Resolved*, That this joint resolution pass.

The engrossed joint resolution relative to the agent of the three per cent. fund:

Was read a third time.

*Resolved*, That this resolution pass—ayes 10, noes 10.

The senate being equally divided, the president determined in the affirmative.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Ewing, Givens, Linton, Lomax, M'Kinney, Orr, Sering, Watts, Mr. President.

*Those who voted in the negative, were,*

Messrs. Clendenin, Daniel, Depauw, Fletcher, Graham, Gregory, Lemon, Maxwell, Morgan, Robb.

*Ordered*, That the house of representatives be informed of the passage of the foregoing bills and joint resolution, and their concurrence requested in the two last mentioned resolutions.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act to incorporate the Hamilton, Rossville and Richmond turnpike company;

An act to provide for changing a part of the state line extending from Mauk's ferry to Indianapolis;

An act for the relief of Samuel Postel, of Adams county;

An act to incorporate the Franklin county cemetery;

An act to legalize and establish the original survey in the towns of Lafayette, in Tippecanoe, and Mount Vernon, in the county of Posey;

An act dividing the state into judicial circuits;

An act altering the line dividing the counties of Jefferson and Scott;

A memorial of the general assembly of the state of Indiana, relative to a grant of land for the purpose of improving the mail route from New Albany to Evansville; and,

A joint resolution relative to deaf and dumb persons, in this state;

And find the same truly enrolled.

The engrossed bill providing means to construct that portion of the Wabash and Erie canal within the state of Indiana, was taken up, read a third time,

And on the question, shall this bill pass?

A motion was made to adjourn, which prevailed.

And the senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The senate resumed the consideration of the engrossed bill providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana.

And on motion,

*Ordered*, That it lie on the table.

On motion by Mr. Lemon,

*Ordered*, That the committee of the whole senate be discharged from the further consideration of the joint resolution of the senate on the subject of an amendment of the constitution of the United States; and also from the further consideration of an engrossed joint resolution, respecting an amendment to the constitution of the United States, from the house of representatives; and,

On motion,

The further consideration of the first mentioned resolution was postponed indefinitely.

Thereupon we then proceeded to the consideration of the entire joint resolution, from the house of representatives, respecting an amendment to the constitution of the United States, and the same having been read:

Mr. Stevens moved to strike it out from the title, and insert the following, to wit:

*Be it resolved by the general assembly of the state of Indiana,* That our senators in congress be, and they are hereby instructed, and our representatives requested to use all proper exertions to cause congress to prepare and propose to the several states for their adoption or rejection, the following amendments to the constitution of the United States, viz:

1st. That the president and vice president, shall each hold their offices for the term of                    years, and that the president shall be ineligible forever afterwards.

2d. That the president and vice president, shall be elected directly by the votes of the people of the several states, and that the majority of the votes of each state shall be considered and taken for the voice and will of the state, and shall have its due weight agreeably to the number of representatives in congress, that such state may be entitled to.

3d. That senators and representatives in congress, shall be rendered ineligible to any office or appointment within the gift or nomination of the president of the United States, during the whole period, for which they shall have been elected, and for one year thereafter.

*Resolved,* That the governor of the state, transmit a copy of the above resolutions to each of our senators and representatives in congress, and to the governors of the several states.

Mr. Morgan then moved to amend the amendment, as proposed by Mr. Stevens, by striking out that part which renders the president ineligible after one term of service; which motion did not prevail.

Mr. Watts then moved that the further consideration of said joint resolution be indefinitely postponed.

And on the question, shall the further consideration of the said joint resolution, be postponed indefinitely?

It was determined in the negative—ayes 9, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Graham, Gregory, Lomax, Maxwell, Morgan, Orr, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Givens, Lemon, Linton, M'Kinney, Robb, Sering, Stevens.

Mr. Gregory then moved to amend the said proposed amendment of Mr. Stevens, by striking out the word majority, and insert the highest number of votes given for any one candidate; which motion did not prevail.

Mr. Maxwell then moved to add to the proposed amendment of Mr. Stevens', the following, to wit:

That the people shall also elect senators to the congress of the United States, in such ratio, that the senators elected by each state, shall not exceed one third the number of representatives in congress, to which such state is entitled by the laws of congress.

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 2, noes 19.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Sering.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Graham, Givens, Gregory, Lemon, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Robb, Stevens, Watts, Worth.

Mr. Graham then moved to amend the amendment proposed by Mr. Stevens, by striking out the whole of the second proposition, after the word "that," in the first line, and inserting in lieu thereof the following, to wit:

The president and vice president be elected by the qualified voters in the several states, and a majority of all the votes shall be necessary to make a choice, and in case no one of the candidates, shall have such majority, in that case, the two highest (for president or vice president as the case may be) shall be returned to the people of the several states, but in the event of a second election, the votes to be counted by states, a majority of each state to count one vote.

And on the question, shall this amendment be adopted?

It was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Ewing, Graham, Gregory, Lomax, Maxwell, Morgan, Orr, Robb, Sering, Watts, Worth;



*Those who voted in negative, were;*

Messrs. Daniel, Depauw, Fletcher, Givens, Lemon, Linton, M'Kinney, Stevens.

Mr. Lemon then moved to amend the proposed amendment of Mr. Stevens, by adding thereto, at the end of the proposition, "and that the people shall also elect their senators to the congress of the United States."

And on the question, shall this amendment be adopted.

It was determined in the negative—ayes 5, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Givens, Lemon, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Graham, Gregory, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

Mr. Maxwell then moved to amend the proposed amendment of Mr. Stevens, in the second proposition and third line, by striking out the word "people," and inserting the following, to wit: free white male inhabitants, twenty-one years of age and upwards."

And on the question, shall this amendment be adopted?

It was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Gregory, Lomax, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Givens, Graham, Lemon, Linton, Stevens.

And the question recurring, shall the joint resolution be stricken out, and the amendment proposed by Mr. Stevens, as amended, be adopted?

It was determined in the affirmative—ayes 18, noes 3.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Maxwell, Morgan, Orr, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Ewing, M'Kinney.

*Ordered,* That the amendments be engrossed, and with the resolution pass to a third reading—ayes 15, noes 8.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Depauw, Ewing, Fletcher, Givens, Graham, Lemon, Morgan, M'Kinney, Orr, Robb, Sering, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Gregory, Linton, Lomax, Maxwell, Watts.

Mr. Fletcher, from the joint committee on enrolled bills, now reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act for the relief of Drury Holt and Vincent Cooper;

An act appointing commissioners to relocate the seat of justice in Dubois county; and

An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured.

On motion by My. Maxwell,

*Ordered,* That the committee of the whole senate be discharged from the further consideration of the bill declaratory of the law on the subject of divorces.

Mr. Watts then moved to postpone the further consideration of said bill indefinitely.

And on the question, shall the said bill be indefinitely postponed?

It was determined in the negative—ayes 7, noes 14.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Maxwell, M'Kinney, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Morgan, Orr.

Mr. Gregory moved to amend the said bill by adding thereto the following as an additional section: And in all cases where divorces, have been granted, either by any of the circuit courts, in this state, or by acts of the general assembly, to one party concerned, the other party shall be hereby considered released to all intents and purposes as though the marriage contract had never been entered into.

And on the question, shall the bill be so amended?

It was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being requested by two senators;

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Fletcher, Gregory, Lomax, Maxwell, Morgan, Orr, Robb, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Ewing, Givens, Graham, Linton, M'Kinney, Sering, Watts.

Mr. Watts then moved further to amend the said bill by adding the following as an additional section: In all cases where any of the courts decree a divorce, all the evidence shall be made matter of record, and if such divorce should be granted for any other cause than fornication and adultery, the parties so divorced shall be under the same pains and penalties as though such divorce had not been granted, on entering into a second marriage.

And on the question, shall the said bill be so amended?

It was determined in the negative—ayes 4, noes 17.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Ewing, Maxwell, Sering, Watts.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, M'Kinney, Morgan, Orr, Robb, Stevens, Worth.

And on the question shall the said bill, with its amendments, be engrossed and pass to a third reading?

It was determined in the affirmative—ayes 13, noes 3.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Robb, Stevens.

*Those who voted in the negative, were,*

Messrs. Ewing, Maxwell, M'Kinney, Morgan, Orr, Sering, Watts.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

An act for the formation of the counties of St. Joseph and Elk Hart; and,

An engrossed joint resolution on the subject of colonizing the people of colour;

In which I am directed to ask the concurrence of the senate.

The house of representatives has passed engrossed joint resolutions, from the senate, of the following titles, viz:

A joint resolution relative to the agent of the three per cent. fund; and,

A joint resolution concerning the Indiana college, without amendment.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill from the senate, entitled,

An act to provide for the public printing, and for other purposes; with an amendment.

In which I am directed to ask the concurrence of the senate.  
The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

An act making an appropriation for the improvement of the state road from Indianapolis to Madison.

In which I am directed to ask the concurrence of the senate.

The engrossed bill from the house of representatives, for the formation of the counties of St. Joseph and Elk Hart:

Was read a first time, and passed to a second reading.

And the Senate adjourned,

WEDNESDAY, JANUARY 20, 1830.

The Senate assembled.

The engrossed joint resolution of the state of Indiana, on the subject of colonizing the people of color, from the house of representatives:

Was read a first time, and passed to a second reading.

The senate proceeded to consider the amendments proposed by the house of representatives, to the engrossed bill of the senate, to provide for the public printing, and for other purposes:

And the same having been read,

Mr. Linton moved that the bill with the proposed amendment, be referred to a select committee;

Which motion prevailed.

Ordered, That Messrs. Linton, M'Kinney and Gregory, be the select committee, in conformity to the last motion.

The engrossed bill, making an appropriation for the improvement of the state road from Indianapolis to Madison, from the house of representatives:

Was read a first time, and passed to a second reading.

The following message was received from the house of representatives, by Mr. Lanier, their clerk, to wit:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act, concerning the school lands in Vermillion county:

An act, to establish a state road, therein named;

An act to authorise the leasing of Jackson's Lick, in Monroe county; and

An act, supplemental to an act, declaring Mississinewa river, a public highway;

In which I am directed to ask the concurrence of the senate.

The house has passed an engrossed bill from the senate, entitled

An act, relative to the action of trespass, without amendment.

The Speaker of the house of representatives, having signed several enrolled bills, memorials and joint resolutions, I am directed to bring the same up to the senate for the signature of their President.

The following engrossed bills, entitled acts, last reported from the house of representatives, for concurrence, to wit:

An engrossed bill, to establish a state road, therein named;

An engrossed bill, concerning the school lands in Vermillion county;

An engrossed bill, authorising the leasing of Jackson's Lick, in Monroe county; and

An engrossed bill, supplemental to an act, declaring Mississinewa river, a public highway;

Were severally read a first time, and severally passed to a second reading.

Mr. Blair presented the petition of Solomon Ball, John Miligan and others, praying a relocation on a certain state road, therein named; as also the remonstrance of Philip Bose, John Bose and John Philpot, against such relocation:

Both of which were read.

*Ordered*, That they be referred to the same select committee to whom sundry petitions and remonstrances on the same subject, have been committed; and

On motion by Mr. Blair,

*Ordered*, That Mr. Orr be added to the committee.

Mr. Linton, from the select committee, to whom had been referred the engrossed bill of the house of representatives, providing for the relocation of the county seat of Sullivan county—report,

That they have performed the duties enjoined on them, and now propose sundry amendments;

All of which were severally read and considered; and the 1st, 2d, 3d, 4th, 5th, 7th, 8th and 9th amendments were concurred in; and the 6th and 10th amendments disagreed to.

*Ordered*, That the amendments agreed to in senate, be engrossed, and with the bill, pass to a third reading.

On motion by Mr. Depauw,

The engrossed bill, amendatory of an act, authorising the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington—approved, January 7th, 1828, which was laid on the table on the 19th instant, was now taken up, and

*Ordered*, That it be committed to a select committee, composed of Messrs. Depauw, Clendenin, and Graham: and

On motion,

*Ordered*, That Mr. Stevens be added to the last named select committee.

The engrossed bill, to attach that part of the town of Paris which lies in Jefferson county, to the county of Jennings, and for other purposes; with the amendments proposed in the house of representatives, was taken up: the amendments were read and concurred in.

*Ordered*, That the house of representatives be informed thereof.

The bill, amendatory of the act, entitled an act, for the relief of the poor—approved, January 30, 1824, which was laid on the table on the 26th ult., was now taken up, considered, and

*Ordered*, That it be committed to a committee of the whole senate.

On motion by Mr. Gregory,

The senate now proceeded to reconsider their vote on the final passage of the engrossed bill, from the house of representatives, for the relief of Martha McBride—ayes 13, noes 3.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Fletcher, Graham, Gregory, Lemon, Linton, Maxwell, Orr, Robb, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Depauw, Givens, Lomax, M'Kinney, Morgan, Sering, Watts.

The question then recurring, shall this bill pass?

It was resolved in the affirmative—ayes 10, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Graham, Gregory, Lemon, Linton, Maxwell, Orr, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Depauw, Fletcher, Lomax, M'Kinney, Morgan, Sering, Watts.

*Ordered,* That the house of representatives be in order the passage of the foregoing bill, without amendment.

The engrossed bill from the house of representatives, for the formation of the county of St. Joseph and Elk Hart:

Was read a second time; when,

Mr. Gregory moved to strike out, the words, "St. Joseph" where they occur throughout the bill, and insert in lieu thereof, the word, "Ross;"

And previous to taking any question thereon,

Mr. Worth moved that the bill be committed to a select committee to consider and report thereon: when,

Mr. Gregory moved to amend this latter motion by adding thereto, after the word committee, the following, to wit: with instructions, to strike out the words, "St. Joseph," where they occur in said bill, and insert the word, "Ross:" which motion and amendment did not prevail.

And on the question, shall the bill be committed to a select committee?

It was determined in the affirmative.

*Ordered,* That Messrs. Worth, Fletcher, Linton and Orr, be that select committee.

The engrossed bill providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana, was now taken up; when,

Mr. Lemon moved to commit the bill to a select committee with instructions to add thereto the following proviso, to wit: *Provided, however,* that this act shall not take effect or be in force, until the first day of January, 1832, unless the state of Ohio shall have ratified the treaty made and entered into by Wylls Silliman, of Ohio, and Jeremiah Sullivan, of Indiana, prior to that time.

And on the question, shall the bill be committed to a select committee, with these instructions?

It was determined in the negative—ayes 3, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Givens, Graham, Lemon, Lomax.



*Those who voted in the negative, were,*

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Stevens, Watts, Worth.

The question then recurring, shall this bill pass?

It was determined in the affirmative—ayes 14, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Givens, Graham, Lemon, Lomax.

Mr. Linton then moved that the title of the bill be so amended, as to read as follows, to wit:

An act providing for the sale of the Wabash and Erie canal lands, and for other purposes.

And on the question, shall the title of the bill be so amended?

It was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Clendenin, Fletcher, Givens, Graham, Linton, Maxwell, Morgan, Orr, Robb, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Gregory, Lemon, Lomax, M'Kinney, Sering, Watts.

The engrossed bill from the house of representatives, to authorize the board of justices of Pike county, to levy an additional tax, in said county:

Was read a third time.

*Resolved,* That this bill pass.

*Ordered,* That the house of representatives be informed of the passage of the two last mentioned bills, and concurrence requested in that first mentioned.

The engrossed joint resolution from the house of representatives, respecting an amendment of the constitution of the United States, as amended in senate:

Was read a third time.

*Ordered,* That it lie on the table.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the enrolled with the engrossed bill, entitled an act to authorize the collector of the revenue of Jackson county, for 1829, to sell lands for the taxes due thereon, and for other purposes; and a memorial of the general assembly of the state of Indiana to the congress of the United States on the subject of removing the obstructions of the Wabash and White river, with its branches, and of improving the great western mail route from Louisville, Kentucky, through New Albany, Paoli, Mount Pleasant, Washington and Vincennes, in this state: and find the same truly enrolled.

And the senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

On motion of Mr. Givens,

The senate reconsidered their vote of this forenoon, amending the title of the bill providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana;

And the question again recurring, Shall the bill be entitled "An act providing for the sale of the Wabash and Erie canal lands and for other purposes;"

It was determined in the negative.

*Ordered,* That the house of representatives be informed that the senate has passed a bill entitled, "An act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana, and their concurrence therein requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz.

An act to vacate a certain state road therein named, and for other purposes:

An act for the improvement of the Wabash, from Vincennes to the mouth of White river:

An act making general appropriations for the year 1830:

An act legalizing the proceedings of the school commissioner of Madison county:

An act to establish a state road from Martinsville, by way of Lyon's mill, and Mooresville. leading north, to the Michigan road:

An act to incorporate the White Water and Miami turnpike road company;

An act levying a tax upon sales at auction, in Jefferson county; and;

A joint resolution relative to a certain act of the commonwealth of Virginia.

In which several acts and joint resolution I am directed to ask the concurrence of the senate.

The house of representatives has passed an engrossed memorial from the senate entitled,

A memorial of the general assembly of the state of Indiana, without amendment.

The speaker of the house having signed an enrolled bill and memorial, I am directed to bring the same up to the senate for the signature of their president.

The following engrossed bills entitled, acts, last reported from the house of representatives for concurrence, to wit:

An act to vacate a certain state road therein named, and for other purposes;

An act for the improvement of the Wabash from Vincennes to the mouth of White river;

An act making general appropriations for the year 1830;

An act legalizing the proceedings of the school commissioner of Madison county;

An act to establish a state road from Martinsville, by way of Lyons Mill and Mooresville, leading north to the Michigan road;

An act to incorporate the White Water, and Miami turnpike road company;

An act laying a tax upon sales at auction, in Jefferson county; and,

A joint resolution relative to a certain act of the commonwealth of Virginia;

Were severally read a first time, and severally passed to a second reading.

The enrolled bills last reported from the house of representatives, as having been signed by the speaker, were now signed by the president of the senate and handed to the committee on enrolled bills, to be laid before the governor for his approval and signature.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they had on this day presented to the governor for his approval and signature, the following enrolled bills and joint resolutions, entitled acts and joint resolutions, as follows, to wit:

An act to incorporate the Hamilton, Rossville and Richmond turnpike company;

An act for the relief of Samuel Postlewait of Dubois county;

An act to incorporate the Franklin county seminary;

An act to legalize and establish the original survey, in the towns of Lafayette, in Tippecanoe and Mount Vernon in the county of Posey;

An act dividing the state into judicial circuits;

An act altering the line dividing the counties of Jefferson and Scott;

An act to provide for changing a part of the state road leading from Mauk's ferry to Indianapolis;

A joint resolution relative to deaf and dumb persons in this state;

A memorial of the general assembly of the state of Indiana relative to a grant of land for the purpose of improving the mail route from New Albany to Evansville.

The engrossed bill declaratory of the law on the subject of divorces;

Was read a third time.

*Resolved*, That this bill pass; ayes 14, noes 8.

The ayes and noes being required by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Clendenin, Daniel, Depauw, Fletcher, Graham, Gregory, Lemon, Linton, Lomax, Orr, Robb, Stevens.

*Those who voted in the negative, were,*

Messrs. Ewing, Givens, Maxwell, M'Kinney, Morgan, Ser-ing, Watts, Worth.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

The senate, according to order, resolved itself into committee of the whole, on the bill to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington to Vincennes; Mr. Linton in the chair, when after some time spent thereon, the committee rose, the president resumed the chair, and the chairman reported the bill to the senate with progress made therein and a request to sit again, which was granted.

The senate, according to order, resolved itself into committee of the whole, on the bill to regulate the mode of doing county business in the several counties in this state; Mr. Linton in the chair, when after some time spent thereon

the committee rose, the president resumed the chair, and the chairman reported the bill to the senate with sundry amendments, which were read at the secretary's table, and concurred in.

The bill was then amended by common consent in various of its minor details; when,

Mr. Claypool moved to amend it by striking out the words "March" and "July," the object of which motion was to reduce the terms of the court contemplated by said bill to four terms, annually, instead of six, as it then stood; which motion was determined in the negative.

Mr. Stevens then moved to amend the bill by striking out the word "July," the effect of which motion was to reduce the terms of said court to five, in each year;

Which motion prevailed by common consent of the senate.

Mr. Claypool then moved to amend the said bill by striking out the word "March;" the object of which motion was to reduce the terms of said court to four, in each year;

Which motion was determined in the negative.

The bill was then ordered to be engrossed and passed to a third reading.—ayes 10, noes 10.

The senate being equally divided, the president determined in the affirmative.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Graham, Gregory, Lemon, Linton, Maxwell, M'Kinney, Morgan, Robb, Worth, Mr. President.

*Those who voted in the negative, were,*

Messrs. Clendenin, Daniel, Depauw, Ewing, Fletcher, Givens, Lomax, Orr, Sering, Stevens, Watts.

And the Senate adjourned.

THURSDAY, JANUARY 21, 1830.

The Senate assembled.

Mr. Worth presented the remonstrance of John Jackson, Solomon Hackert and others, against the organization of two new counties in the northern and north-eastern part of this state:

Which was read, and referred to the same select committee, to whom was referred the bill for the formation of the counties of St. Joseph and Elkhart, to consider and report thereon.

Mr. Worth presented the remonstrance of William N. Rowe, Jesse Delany and other citizens of Delaware county, against any change in the mode of doing county business in that county:

Which was read, and laid on the table.

Mr. Depauw, from the select committee, to whom was referred an engrossed bill, amendatory of an act, authorising the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington—approved, January 7, 1828;

Have had the same under consideration, and have directed me to report said bill to the senate with amendments:

All of which are herewith submitted.

And the said proposed amendments were now read at the secretary's table, and concurred in.

*Ordered*, That they be engrossed, and with the bill, pass to a third reading.

Mr. Depauw, from the select committee, to whom was referred an engrossed bill, for the relief of Walter Pennington, and for other purposes;

Have had the same under their consideration, and have directed me to report it to the senate, with an amendment, to wit: strike out the whole of the bill from the enacting clause, and insert in lieu thereof, twelve new sections, herewith submitted.

And the said proposed amendments, being read, were concurred in.

*Ordered*, That the amendments be engrossed, and with the bill, pass to a third reading.

Mr. Watts, on leave being granted, introduced a bill, concerning divorces:

Which was read a first time, and passed to a second reading.

Mr. Ewing, on leave being granted, presented a bill, for the relief of Julius Johnson:

Which was read, and passed to a second reading.

The President laid before the senate, the following communication:

AGENT'S OFFICE,  
Indianapolis, January 20, 1820. }

THE HONORABLE, THE SENATE:

An act has been passed, requiring me to pay Mr. James Ball, \$246; which sum I am not willing to advance until the senate are properly informed concerning the matter. During the passage of the bill, I expected to have been called on for information on the subject, but was not.

In September last, I had a settlement with Mr. Bradford the president, (and Mr. Hart was present;) they said they had contracted with Mr. Ball, (also one of the commissioners,) to build a bridge over Smother's creek, for \$173 50, and I think produced a written contract, and that they had received the bridge, settled with Mr. Ball, and given him drafts for the amount, (\$173 50;) but that these drafts were not paid, and that they were the only drafts unpaid; in this they are in error; for the drafts out and unpaid, amount to something like \$198, to wit:

For bridge,	\$173 50
Services of Ball,	21 00
For recording plats,	5 00
	<hr/>
	\$199 50

If any thing is due Mr. Ball for services, it is in the commissioners' hands, for Bradford has settled with me for the whole amount of services rendered, and has a balance of \$32 04, as will appear from the settlement; and if Mr. Ball should be paid \$21 out of other monies, there will then be in the commissioners hands, \$53 04. As to the \$5 00 for recording plats, Mr. Ball is not entitled to an allowance, as he never paid out the money, though that sum is included in the drafts now out.

Respectfully submitted.

B. I. BLYTHE,  
*Agent three per cent. fund.*

Which was read; and

On motion,

*Ordered,* That the communication, with the accompanying document, or voucher of settlement, be referred to the committee on roads, to consider and report thereon.

Mr. Linton, from the select committee, to whom was referred an engrossed bill, to provide for public printing and for

other purposes, have had the same under consideration—and report,

That they have compared the prices fixed in the bill submitted to them, with the prices paid in Kentucky and Ohio, for similar printing, and have also enquired of several practical printers, the rates commonly charged for work of this character, and find them considerably lower, particularly than those of Kentucky.

The manner of contracting for the public printing of this state, has failed to accomplish one most important object in the publication of the laws and journals, that of typographical correctness. The acts which have been rendered necessary at the present session of the general assembly, to correct the *mis-prints* in the enactments of the last session, are striking illustrations of the impolicy of the present mode of contracting for the public printing. It is thought that a change in the mode of obtaining public printers, from that of the lowest bidder, to that of an election, in which regard could be had to the character and mechanical skill of the candidates, as well as to their ability to comply with their engagements, might lead to a more faithful publication of our laws and journals. That a few dollars is saved to the state treasury by taking the lowest bidder, the committee do not pretend to controvert, but they do deem this saving entitled to no attention, unless it can be made in perfect compatibility with the paramount object of laying before the people in due time, exact transcripts of the laws and journals of the general assembly.

Should the senate believe that a change in the manner of obtaining a public printer, is desirable, the committee believe, the amendments made in the house of representatives to the bill now before the senate, will accomplish the object in as plain and direct a mode as any they can devise; and therefore report the original bill, with the amendments of the house of representatives, to the senate, without further amendment, believing that if the proposed change is not made, no amendment is required to the original bill.

The said report was read,

And on the question, shall the report and amendments proposed by the house of representatives to said bill, be concurred in?

It was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being requested by two senators,



*Those who voted in the affirmative, were,*

Messrs. Blair, Clendenin, Depauw, Graham, Gregory, Linton, Maxwell, Orr, Sering, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Ewing, Fletcher, Givens, Lemon, Lomax, M'Kinney, Morgan, Robb, Watts.

The engrossed joint resolution of the state of Indiana, on the subject of colonizing people of color, from the house of representatives;

Was read a second time.

*Ordered,* That it pass to a third reading.

The engrossed bill from the house of representatives, making an appropriation for the improvement of the state road from Indianapolis to Madison:

Was read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The engrossed bill from the house of representatives, to establish a state road therein named:

Was read a second time.

*Ordered,* That it pass to a third reading.

The engrossed bill from the house of representatives, concerning school lands in Vermillion county:

Was read a second time.

*Ordered,* That it lie on the table.

The engrossed bill from the house of representatives, authorising the leasing of Jackson's Lick, in Monroe county:

Was read a second time; and

On motion by Mr. Graham,

*Ordered,* That it be committed to a select committee, with instructions to amend the same so as to provide for leasing the premises annually, for the best price that can be had; and

Messrs. Maxwell, Graham and Orr, were appointed that select committee.

The engrossed bill from the house of representatives, supplemental to an act, declaring Mississinewa a public highway:

Was read a second time.

*Ordered*, That it pass to third reading.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they had on this day, presented to the Governor, for his approval and signature, the following enrolled bill and memorial, entitled an act and memorial, to wit:

An act to authorise the collector of the revenue of Jackson county for 1829, to sell lands for the taxes due thereon, and for other purposes; and

A memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river with its branches, and of improving the great western mail route from Louisville, Kentucky through New Albany, Paoli, Mount Pleasant, Washington and Vincennes, in this state.

The engrossed bill from the house of representatives, to legalize the proceedings of the school commissioner of Madison county:

Was read a second time.

*Ordered*, That it lie on the table.

The engrossed bill from the house of representatives, to establish a state road from Martinsville, by way of Lyon's mill and Mooresville, leading north to the Michigan road:

Was read a second time, amended by common consent.

*Ordered*, That it pass to a third reading.

The engrossed bill, making general appropriations for the year 1830, from the house of representatives:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, for the improvement of the Wabash, from Vincennes to the mouth of White river:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, to incorporate the White Water and Miami turnpike road company:

Was read a second time.

*Ordered*, That it be committed to a select committee, composed of Messrs. Claypool, M'Kinney and Lomax, to consider and report thereon.

The engrossed bill from the house of representatives, to vacate a certain state road therein named, and for other purposes:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed joint resolution from the house of representatives, relative to a certain act of the Commonwealth of the state of Virginia:

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, laying a tax on sales at auction in Jefferson county:

Was read a second time.

*Ordered*, That it be referred to a select committee, composed of Messrs. Sering, Lemon and Gregory, to consider and report thereon.

The engrossed bill from the house of representatives, providing for the relocation of the seat of justice of Sullivan county:

Was read a third time, as amended in senate.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and concurrence in the proposed amendments requested.

The engrossed bill to regulate the mode of doing county business, in the several counties in this state:

Was read a third time; when

Mr. Ewing moving that it be recommitted to a select committee, with instructions to provide for the election of county treasurers, assessors and collectors, by the qualified voters of each county;

Which motion was determined in the negative.

*Resolved*, That this bill pass—ayes 10, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Graham, Gregory, Lemon, Linton, Maxwell, M'Kinney, Morgan, Robb.

*Those who voted in the negative, were,*

Messrs. Clendenin, Depauw, Givens, Lomax, Orr, Sering, Stevens, Watts, Worth.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed joint resolution, relative to the Indiana college;

In which I am directed to ask the concurrence of the senate.

The house of representatives has adopted the following resolution, viz:

*Resolved*, That the house will meet the senate in the representatives' hall, on Saturday evening next, the 23d instant, at two o'clock, the senate assenting thereto, for the purpose of electing the several judges and prosecutors, to be elected at the present session of the general assembly.

The joint resolution relative to the Indiana college:

Was read a first time, and passed to a second reading.

The resolution was then read a second time by common consent.

*Ordered*, That it pass to a third reading.

The senate, according to order, resolved itself into committee of the whole, on the engrossed joint resolution, allowing compensation to Philip Hedges, for distributing the laws and journals; Mr. McKinney in the chair, when after some time spent thereon, the committee rose, the president resumed the chair, and the chairman reported the resolution to the senate without amendment.

*Ordered*, That it lie on the table.

The following message was received from the house of representatives, by Mr. Sheets, their assistant clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills, of the following titles, to wit:

A bill legalizing the proceedings of the superintendent of a school section therein named;

A bill to legalize the proceedings of the probate court of the county of Pike;

They have also passed an engrossed joint resolution, authorising the auditor of public accounts to procure a list of relinquished lands from the land-office, therein named;

In which they ask the concurrence of the senate.

The engrossed bill legalizing the proceedings of the superintendent of a school section therein named;

The engrossed bill to legalize the probate court of the county of Pike; and

The joint resolution authorising the auditor of public accounts to procure a list of relinquished lands from the land offices therein named;

Last reported for concurrence from the house of representatives,

Were severally read a first time, and severally passed to a second reading.

The joint resolution last named;

Was read a second time, by common consent.

*Ordered*, That it pass to a third reading.

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill, from the house of representatives, to extend the power of the commissioners of Morgan county, in a certain case therein named; Mr. Morgan in the chair, when after some time spent thereon the committee rose, the president resumed the chair, and the chairman reported the bill to the senate with an amendment, which was read and concurred in.

*Ordered*, That the amendment be engrossed, and with the bill, pass to a third reading.

The President laid before the senate, the following communication from the governor.

EXECUTIVE DEPARTMENT, INDIANA, }  
Indianapolis, January 21, 1830. }

MILTON STAPP,

*President of the Senate:*

SIR:

On yesterday, I received the following letter of resignation from one of the prosecuting attorneys of this state, to wit:

"INDIANAPOLIS, INDIANA, }  
January 20th, 1830. }

JAMES B. RAY,

*Governor of Indiana:*

SIR:

By a late arrangement of the present general assembly, regulating and increasing the judicial circuits in this state,

having been thrown into a circuit, in which, by virtue of my unexpired commission of the third judicial circuit, I can no longer discharge the duties of prosecuting attorney for the state; therefore, as a just and necessary accommodation to all concerned, I do cheerfully resign the balance of my unexpired term as prosecuting attorney of the third judicial circuit, that the vacancy may be filled according to law.

Very respectfully,

Your obedient servant,

MARTIN M. RAY."

Which, I hereby communicate to the Legislature.

I have the honor to be,

Your obedient servant,

J. BROWN RAY.

The senate, according to order, resolved itself into committee of the whole, on the bill, to amend an act, relative to navigable streams declared public highways, by the ordinance of congress, of 1787—approved, January 23, 1829; Mr. Orr in the chair, when after some time spent thereon, the committee rose; the President resumed the chair, and the Chairman reported the bill to the senate, with progress made therein, and a request for leave to sit again;

Which was refused.

And on motion,

*Ordered*, That it be committed to select committee, composed of Messrs. Linton, Blair and Ewing, to consider and report thereon.

On motion,

*Ordered*, That the committee of the whole senate, be discharged from the further consideration of the engrossed bill from the house of representatives, for the formation of a new county, east of Tippecanoe county; and

That it be referred to a select committee, composed of Messrs. Orr, Fletcher and Blair, to consider and report thereon.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act for the better support of the poor in Floyd county;

An act to establish a state road from Evansville to Anthony's ferry;

An act for the relief of Martha M'Bride;

An act for the appropriation of money, to aid in building a bridge over Plumb creek; and

An act extending the corporation of Madison,

And find the same truly enrolled.

The senate, according to order, resolved itself into committee of the whole, on the bill, supplemental to an act, providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes; Mr. Robb in the chair; when, after some time spent thereon, the committee rose; the President resumed the chair, and the Chairman reported the bill to the senate, with sundry amendments.

And the Senate adjourned.

---

FRIDAY, JANUARY 22, 1830.

The Senate assembled.

Mr. Maxwell from the joint committee on enrolled bills, now reported, that they have compared the following enrolled, with the engrossed bills, entitled acts, to wit:

An act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes;

An act relative to the action of trespass;

A joint resolution relative to the agent of the three per cent. fund;

A joint resolution concerning the Indiana college; and,

A memorial of the general assembly of Indiana.

And find the same truly enrolled.

Mr. Fletcher presented the remonstrance of George Smith, Jacob Colip and others, inhabitants of the town of Indianapolis; against changing the plat of said town, or converting the house erected for the Governor into a state house;

Which was read.

*Ordered*, That it lie on the table.

Mr. Claypool from the select committee to whom was referred the engrossed bill of the house of representatives, to

incorporate the White Water and Miami turnpike road company—now reported the bill to the senate without amendment.

*Ordered*, That it pass to third reading.

Mr. Orr, from the select committee, to whom had been referred the engrossed bill of the house of representatives, for the formation of a new county, east of Tippecanoe county—reported the bill to the senate with an amendment:

Which was read and concurred in.

*Ordered*, That it pass to a third reading.

Mr. Sering, from the select committee, to whom was referred the engrossed bill from the house of representatives, levying a tax upon sales at auction, in Jefferson county—reported the bill to the senate without amendment.

*Ordered*, That it pass to a second reading.

Mr. Worth, from the select committee, to whom was referred, an engrossed bill for the formation of the counties of St. Joseph and Elkhart, from the house of representatives, now reported the bill to the senate with amendments;

Which were read and concurred in.

*Ordered*, That they be engrossed and pass to a third reading.

The following message was received from the Governor, by Mr. Sharp, his private secretary, to wit:

MR. PRESIDENT:

I am requested by his excellency the Governor, to inform the senate that he did on yesterday approve and and sign,

An act appointing commissioners to relocate the seat of justice, in Dubois county;

An act for the relief of Drury Holt and Vincent Cooper;

An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured;

An act to authorise the collector of the revenue of Jackson county, for 1829, to sell lands for the taxes due thereon, and for other purposes; and,

A memorial of the general assembly of the state of Indiana to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river, with its branches, and of improving the great western mail route from Louisville, Kentucky, through New Albany, Paoli, Mount Pleasant, Washington and Vincennes, in this state.

All of which originated in the senate.

Mr. Watts now entered the following protest against the passage of the bill, for divorcing Martha M'Bride, for the following reasons, to wit:



First. The constitution of Indiana declares, that there shall be three distinct powers of magistracy, legislative, judicial and executive: and that no one department shall exercise the powers properly belonging to the others; consequently, after the power of granting divorces properly appertains to and has been by the legislature, fully conferred on the judiciary department; therefore, they (the legislature) have no constitutional right or power to interfere in any special grant or trial of a divorce.

Second. The policy of the legislature taking cognizance of divorce applications is ruinous to the public finances; inasmuch as for instance, in the present case, the expenses to the state, of entertaining and discussing its merits in both branches of the legislature have not been less than one hundred and fifty dollars; and, sir, as I consider, unconstitutionally expended.

Third. It is a proceeding liable to be settled on uncertain and partial views; because the legislature, without sending for the party accused, and permitting to have the constitutional right of facing the accuser and witnesses face to face, proceed to examine and decree in the matter, so important to the rights of the absent defendant, upon such *ex parte* testimony, as the applicant may choose to produce; and of which, the defendant has had no notice, whereby he might be able to prove, that such testimony was entirely false or coming from perjured witnesses.

Fourth. In the present case, satisfactory evidence was produced to the legislature, that the application now made, was tried before a court, authorized by law to adjudicate upon such cases; and from the decision being against the grant of such application, is at least strong presumption, that the application should not succeed.

Fifth. The said bill was passed by a minority of the senate, not occasioned by the accidental absence of members. Inasmuch, as the senator from the district had leave to withdraw, as he could not in conscience vote for the passage of the bill; two others bolted; and one was excused from voting, by which the said bill was passed by a minority of the senate.

To all of which proceedings for the reasons above set forth, I do most solemnly protest.

JOHN WATTS.

Mr. Ewing now entered his protest against the adoption of the amendments to the bill therein named, to wit:

The undersigned protests against the adoption of an amendment bill, upon which the senate was allowed but one vote, en-

titled "a bill to provide for the public printing, and for other purposes."

Because the alledged reasons for its enactments, are inappropriate, inasmuch as the time and manner of executing the public printing, appears to be regulated by law, and the unexampled prices this bill stipulates, savors of a wanton extravagance, when there is an offer of indisputable security presented, to do the printing at one third less.

Because it will have a baneful influence upon our state treasury, to guard which the reports of our canal commissioners, and that of the United States' engineer, have been refused a place in our journal, although they present the foundation of our acts relative to that important work, and this bill will waste hundreds of dollars; and because public editors at this place, may always be expected to have the public printing, and partisan feelings have their usual influence upon them, its operation may affect our course of legislation hereafter, or seem to be a pensioning of the press, which would be both impolitic and unjust.

Because the measure is altogether an innovation evidently calculated to lead to an abuse of patronage, and to mislead public sentiment; therefore, the undersigned records his disapprobation and dissent, that the people of this state may cause their interests to be guarded hereafter, against all measures tainted by such dangerous appearances.

JNO. EWING.

Mr. Stevens offered for consideration and adoption the following resolution, to wit:

*Resolved*, That the senate, in pursuance of the resolution of the house of representatives, on that subject, will meet the house of representatives in their hall at 2 o'clock in the afternoon of Saturday the 23d inst. for the purpose of electing president judges of the circuit courts and prosecuting attorneys, to be elected at the present session of the legislature.

Mr. Fletcher moved to amend the said resolution, by adding thereto the words, "canal commissioners," which motion did not prevail.

*Ordered*, That the resolution be adopted, and that the house of representatives be informed thereof.

The bill concerning divorces;

Was read a second time.

*Ordered*, That it be engrossed and pass to third reading.

The bill for the relief of Julius Johnson;

Was read a second time.

*Ordered*, That it be engrossed and pass to third reading.

The engrossed bill from the house of representatives, to legalize the proceedings of the probate court of the county of Pike;

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed bill legalizing the proceedings of the superintendent of a school section therein named;

Was read a second time.

*Ordered*, That it pass to a third reading.

The engrossed joint resolution from the house of representatives, authorizing the auditor of public accounts to procure a list of relinquished lands, from the land offices therein named;

Was read a third time.

*Resolved*, That this joint resolution pass.

The engrossed joint resolution from the house of representatives, on the subject of colonizing people of color;

Was read a third time.

*Resolved*, That this joint resolution pass.

The engrossed bill from the house of representatives, to establish a state road therein named;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, supplemental to an act, declaring Mississinewa river a public highway;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, to establish a state road from Martinsville by way of Lyon's mill and Mooresville leading north to the Michigan road;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, making general appropriations for the year 1830;

Was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed of the passage of the two joint resolutions and three bills last named.

The engrossed bill for the improvement of the Wabash from Vincennes to the mouth of White river;

Was read a third time.

*Ordered*, That it be referred to a select committee, compo-

sed of Messrs. Blair, Linton and Ewing, to consider and report thereon.

The engrossed bill from the house of representatives, to vacate a certain state road therein named, and for other purposes;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed joint resolution from the house of representatives, relative to the Indiana college;

Was read a third time.

*Resolved*, That this joint resolution pass.

The engrossed joint resolution, from the house of representatives, relative to a certain act of the commonwealth of Virginia;

Was read a third time.

*Resolved*, That this joint resolution pass.

The engrossed bill from the house of representatives, to extend the powers of the commissioners of Morgan county, in a certain case therein named, and for other purpose as amended in senate;

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled an act relative to certain ferries.

The engrossed bill of the senate amendatory of an act authorizing the leasing of Royce's lick and Rock lick reserves, in the county of Washington, approved January 7th, 1828;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, for the relief of Walter Pennington, and for other purposes, as amended in senate;

Was read a third time.

*Resolved*, That this bill pass, and that it be entitled,

An act making provisions for expending the Mauk's ferry road fund and for other purposes.

*Ordered*, That the house of representatives be informed of the passage of the four last mentioned bills, and two joint resolutions, and their concurrence requested in the third mentioned bill, and in the amendments made or proposed to the second and fourth of said bills, and,

The senate resumed the consideration of the bill supplemental to an act, antitled,

An act providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes; and the amendment made thereto in committee of the whole.

And on the question, will the senate concur in the amendments made in committee of the whole, to said bill?

It was determined in the affirmative—ayes 11, noes 9.

The ayes and noes being required by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Clendenin, Depauw, Maxwell, McKinney, Morgan, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Ewing, Fletcher, Givens, Graham, Lemon, Lomax, Stevens, Watts,

*Ordered,* That it be engrossed and pass to a third reading.

On motion by Mr. Clendenin,

The engrossed bill from the house of representatives, to authorize the qualified voters of the different townships in the county of Harrison to elect their township officers; which was laid on the table on the first inst., was now taken up.

*Ordered,* That it pass to a third reading.

On motion by Mr. Ewing,

The engrossed bill for the relief of the citizens of Daviess county; which was laid on the table on the 15th inst., was now taken up and read.

*Ordered,* That it pass to a third reading.

On motion by Mr. Worth,

The engrossed bill to change the mode of doing county business, in the county of Delaware, and for other purposes; and which had been laid on the table on the 18th instant, was now taken up.

*Ordered,* That it pass to a third reading.

On motion by Mr. Orr,

The engrossed joint resolution allowing compensation to Philip Hedges, for distributing the laws and journals, and which was laid on the table on the 21st instant, was now taken up.

*Ordered,* That it pass to a third reading.

On motion by Mr. Ewing,

The engrossed memorial and joint resolution of the general assembly of the state of Indiana, on the subject of extinguishing the Indian title to lands within this state and of removing the Indians beyond the Mississippi; from the house of representatives, and which had been laid on the table on the 11th instant, was now taken up.

*Ordered*, That it pass to a third reading.

Mr. Maxwell, from the select committee, to whom had been referred the engrossed bill from the house of representatives authorizing the leasing of Jackson's lick, in Monroe county; now reported the bill to the senate, with sundry amendments, which were read and concurred in.

*Ordered*, That they be engrossed, and with the bill, pass to a third reading.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

On motion by Mr. Depauw,

The committee of the whole senate was discharged from the further consideration of the engrossed bill, from the house of representatives, relative to Twin creek;

The bill was then amended by common consent.

*Ordered*, That it pass to a third reading.

The senate again, according to order, resolved itself into committee of the whole, on the engrossed bill from the house of representatives, to incorporate a company, to make a turnpike road, from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington to Vincennes; Mr. Linton in the chair, when, after some time spent thereon, the committee rose, the president resumed the chair, and the chairman reported the bill to the senate, with sundry amendments, which were read and concurred in.

Mr. Robb then moved to amend the said bill in the 28th section, line, by adding after the word the following, to wit: "or emit bills of credit, the amount of which is expressed in printed or engraved figures or letters, such as generally passes from individual to individual, by adding only, under the penalty of forfeiting their charter, for establishing such bank or assuming such banking privileges or powers;"

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Robb then proposed to amend the bill under consideration by adding thereto the following, as an additional section, to wit:

"See that each and every stockholder, (to the amount of stock by them respectively subscribed,) shall be liable in their state, corporate and individual capacity, for any debt or debts, which

shall have been contracted during the time such state, corporation or individual, was, or is a stockholder."

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 7, noes 15.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Givens, Lomax, Maxwell, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Ewing, Graham, Gregory, Lemon, Linton, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

Mr. Clendenin then moved to amend the bill, by adding the following at the end of the 28th section, to wit:

"That nothing in this act shall be so construed, as to collect any tolls from any person in the county in which such person resides."

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Linton then moved to strike out of the fifth section, and fifth line so much as relates to the three per cent. fund.

And on the question, shall the bill be so amended?

It was determined in the negative—ayes 4, noes 18.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Blair, Graham, Linton, Orr.

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Ewing, Fletcher, Givens, Gregory, Lemon, Lomax, Maxwell, M'Kinney, Morgan, Robb, Sering, Stevens, Watts, Worth.

Ordered, That the amendments be engrossed, and with the bill pass to a third reading.

The following message was received from the house of representatives, by Mr. Lanier, their clerk.

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act to regulate the militia of the state of Indiana;  
 An act authorizing asylums for the relief of the poor, in the  
 counties of Washington and Dearborn;

An act relative to marriage licenses; and,

An act to amend an act entitled an act establishing a state  
 road from Shelbyville to intersect the Madison state road, in  
 Jennings county, approved, January 19th, 1828.

In which I am directed to ask the concurrence of the sen-  
 ate.

The house has passed a joint resolution from the senate, to  
 the congress of the United States, requesting a corps of engi-  
 neers, to examine and survey White river and the east and  
 west forks thereof, and to examine, and if found practicable,  
 survey a canal route, to connect the Wabash and Erie canal  
 with the Ohio river; without amendment.

The house of representatives concur in the 2d, 4th, 5th, 6th,  
 7th, and 8th amendments, proposed by the senate to the en-  
 grossed bill of the house, entitled,

An act for the relocation of the county seat of Sullivan coun-  
 ty, but disagree to the first and third amendments, proposed  
 by the senate thereto.

The speaker of the house having signed several enrolled bills  
 and joint resolutions, I am directed to bring the same to the  
 senate for the signature of their president.

The several enrolled bills last reported from the house of  
 representatives, as having received the signature of the speaker,  
 were now signed by the president of the senate and handed  
 to the committee on enrolled bills, to be laid before the gov-  
 ernor for his approval and signature.

The engrossed bill from the house of representatives, to  
 regulate the militia of the state of Indiana;

Was read a first time, and passed to a second reading.

The bill was then read a second time, by common consent.

*Ordered*, That it be committed to a committee of the whole  
 senate.

The engrossed bill from the house of representatives, au-  
 thorising asylums for the poor in the counties of Washington  
 and Dearborn;

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, re-  
 lative to marriage licenses;

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.



*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, to amend an act establishing a state road from Shelbyville to intersect the Madison state road, in Jennings county, approved, January 19th, 1828;

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it pass to a third reading.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act extending the corporation of Madison;

An act for the appropriation of money, to aid in the building a bridge over Plumb creek;

An act for the relief of Martha M'Bride;

An act to establish a state road from Evansville to Anthony's ferry; and.

An act for the better support of the poor of Floyd county;

The following message was received from the house of representatives by Mr. Sheets, their assistant clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

An act to establish a state road from Raccoon ford, in the county of Parke to Lafayette, in the county of Tippecanoe.

In which I am directed to ask the concurrence of the senate.

The engrossed bill last reported for concurrence, entitled,

An act to establish a state road from Raccoon ford, in the county of Park, to Lafayette, in the county of Tippecanoe;

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it be committed to a select committee, composed of Messrs. Blair, Orr and Linton to consider and report thereon.

The senate proceeded to consider the first and third amendments proposed in senate to the engrossed bill of the house of representatives, for the relocation of the county seat of Sullivan county, and which are disagreed to by the house of representatives.

*Ordered*, That the bill lie on the table.

And the senate adjourned.

SATURDAY, JANUARY 23, 1830.

The Senate assembled.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did on yesterday present to the governor for his approval and signature, the following enrolled bills, joint resolutions, and memorial, to wit:

An act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes:

An act in relation to the action of trespass;

An act to provide for the public printing, and for other purposes;

A joint resolution concerning the Indiana college;

A joint resolution relative to the agent of the three per cent. fund; and

A memorial of the general assembly of Indiana.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the senate, of the following titles, viz:

An act providing means to construct the portion of the Wabash and Erie canal within the state of Indiana; and

An act to provide for taking an enumeration of the white male inhabitants above the age of twenty-one years, in this state, both with amendments;

In which I am directed to ask the concurrence of the senate.

The house of representatives agree to the amendments, proposed by the senate to engrossed bills of the house, of the following titles:

An act for the relief of Walter Pennington, and for other purposes;

An act to extend the powers of the commissioners of Morgan county, in a certain case therein named, and for other purposes; and

An act amendatory of an act, authorising the leasing of Royce's Lick and Rock Lick reserves, in Washington county.

The senate proceeded to consider the amendments proposed by the house of representatives, to the engrossed bill of the

senate, providing means to construct the portion of the Wabash and Erie canal within the state of Indiana.

*Ordered*, That the bill lie on the table.

The senate then proceeded to consider the amendments proposed by the house of representatives, to the engrossed bill of the senate, to provide for taking the enumeration of the white male inhabitants above the age of twenty one years, in this state;

And the same having been read,

Mr. Lemon moved that the bill be committed to a select committee, with instructions to amend the same, so as to provide that the board doing county business in each county, shall authorise a transcript to be taken from the returns prepared for the marshal of the United States, of all the free white male inhabitants thereof, above the age of twenty-one years;

And on the question, shall the bill be committed to a select committee, with the proposed instructions?

It was determined in the negative.

And on the question, will the senate concur in the amendments proposed by the house of representatives, to said bill?

It was determined in the negative—ayes 8, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Graham, Lemon, Lomax, Robb, Stevens.

*Those who voted in the negative, were,*

Messrs. Blair, Clendenin, Ewing, Fletcher, Givens, Gregory, Linton, Maxwell, Morgan, Orr, Sering, Watts, Worth.

On motion,

The engrossed bill of the senate, providing means to construct the portion of the Wabash and Erie canal within the state of Indiana, was taken up:

And the amendments proposed by the house of representatives thereto, being considered; the second and third amendments were agreed to; and the first amendment disagreed to.

*Ordered*, That the house of representatives be informed that the senate disagree to the amendments proposed by that house to the first of the foregoing bills, and agree to the second and third amendments proposed to the last mentioned bill, but disagree to the first proposed amendment thereto.

Mr. Orr presented the petition of John Royley of Lawrence

county, setting forth certain losses by him sustained, by the removal of the seat of justice of that county; and a refusal on the part of the board of justices, to make him compensation for his loss of property as the law on that subject points out; and praying the legislature to pass an act, providing for his case and all others similarly situated:

Which was read, and referred to the committee of the whole senate, to which a bill on that subject has been committed.

Mr. Blair, from the select committee, to whom was referred the engrossed bill of the house of representatives, to open a state road from Raccoon Ford in Parke county to Lafayette, in Tippecanoe county—now reported the bill to the senate with sundry amendments:

Which were read and concurred in.

*Ordered*, That the amendments be engrossed, and with the bill, pass to a third reading.

Mr. Linton, from the select committee, to whom had been committed, the bill to amend an act, relative to navigable streams declared public highways, by the ordinance of congress of 1787—approved, January 23, 1829: now reported it to the senate, with amendments:

Which were read; when

Mr. Fletcher moved to amend the proposed amendment, by striking out 'twenty-five,' and inserting 'thirty,' the object of which motion, was to increase the width of the slope in the mill-dam, from twenty-five to thirty feet;

Which motion did not prevail.

Mr. Graham then moved, that the bill be recommitted to a select committee, with instructions to amend the same, to repeal all acts of former legislatures in relation to navigable streams, so far as relates to the Vermillion river;

And on the question, shall the bill be recommitted with the instructions, as proposed by Mr. Graham?

It was determined in the affirmative.

*Ordered*, That Messrs. Graham, Fletcher and Stevens, be that select committee.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

On motion by Mr. Ewing,

*Resolved*, That the senate, according to invitation, do now inform the house of representatives, that this senate is ready

to proceed to the election of circuit judges and circuit prosecutors, and that James Gregory is appointed teller on the part of the senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed the following resolution, viz:

*Resolved*, That the clerk inform the senate, that the house of representatives is now ready to meet the senate in the hall of the house, for the purpose of electing by joint ballot of the two houses, the several judges and prosecuting attorneys, to be elected at the present session of the general assembly; and that seats are provided for the gentlemen of the senate on the right of the Speaker's chair.

Mr. Brown has been appointed teller on the part of the house.

The senate then proceeded to the hall of the house of representatives, and took their seats on the right of Speaker's chair, pursuant to previous arrangements.

Both houses of the general assembly then proceeded by joint ballot, to elect the first—a president judge for the sixth judicial circuit in the state of Indiana; when,

Upon receiving and counting the votes as reported by the tellers, they were found as follows, to wit:

For Charles H. Test, forty-two votes, Martin M. Ray, thirty-five votes, scattering, four votes.

The President of the senate, then, in presence of both houses of the general assembly, proclaimed Charles H. Test, duly elected president judge of the sixth judicial circuit, in the state of Indiana, for the period of seven years, from and after this date.

Both branches of the general assembly then proceeded to elect a president judge for the seventh judicial circuit; when,

Upon counting the votes, as reported by the tellers, they were found to stand as follows, to wit:

For John Law, fifty-five votes, for Henry Hurst, twenty-three votes, and scattering four votes.

The President of the senate, then, in presence of both houses of the general assembly, proclaimed John Law to be duly elected president judge of the seventh judicial circuit of the state of Indiana, for seven years, from and after this date.

The two branches of the general assembly, then proceeded

by joint ballot, to elect a prosecuting attorney for the first judicial circuit; when,

Upon counting the votes as reported by the tellers, they were found to stand as follows, to wit:

For Edward A. Hannegan, fifty-five votes, for Albert S. White, twenty five votes, and scattering, two votes.

The President of the senate then, in presence of both branches of the general assembly, proclaimed Edward A. Hannegan to be duly elected prosecuting attorney for the first judicial circuit of the state of Indiana, for the period of two years, from and after this date.

The two branches of the general assembly then proceeded to elect, by joint ballot, a prosecuting attorney for the third judicial circuit in the state of Indiana; when

Upon counting the votes as reported by the tellers, they were found to stand as follows, to wit:

For James F. D. Lanier, fifty votes, for Merit S. Craig, twenty-seven votes, and five votes scattering.

The President of the senate then, in presence of both branches of the general assembly, proclaimed James F. D. Lanier duly elected prosecuting attorney for the third judicial circuit in the state of Indiana, for the period of two years from and after this date.

The two branches of the general assembly then proceeded to elect, by joint ballot, a prosecuting attorney for the sixth judicial circuit in the state of Indiana; when,

Upon counting the votes as reported by the tellers, it was found that James Perry had forty-seven votes, Samuel C. Sample had thirty votes, and that there were five scattering votes given.

The President of the senate then, in presence of both branches of the general assembly, proclaimed James Perry duly elected prosecuting attorney for the sixth judicial circuit in the state of Indiana, for the period of two years, from and after this date.

The two branches of the general assembly of the state of Indiana, then proceeded to elect, by joint ballot, a prosecuting attorney for the seventh judicial circuit in the state of Indiana;

When, upon counting the ballots as reported by the tellers, it was found that Elisha M. Huntington had forty-one votes, and Craven P. Hester had forty-one votes; neither of the candidates having a majority, the two branches of the general assembly then proceeded to a second ballot for prosecuting attorney, for the seventh judicial circuit; when,

Upon counting the votes as reported by the tellers, it was

found that Elisha M. Huntington had forty-two votes, and Craven P. Hester forty votes.

The President of the senate then, in presence of both branches of the general assembly, proclaimed Elisha M. Huntington duly elected prosecuting attorney, for the seventh judicial circuit of the state of Indiana, for the period of two years from and after this date;

And the Senate returned to their chamber.

Mr. Orr, on leave being granted, introduced a bill, to amend an act, entitled an act, for opening and repairing public roads and highways—approved, January 24, 1828:

Which was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it be committed to a committee of the whole senate.

Mr. Clendenin, on leave being granted; introduced a bill, to authorise the building of bridges across Lick creek and Salt creek, on the state road, from the Horse Shoe bend on the Ohio river, to Indianapolis:

Which was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it be engrossed, and pass to a third reading.

On motion by Mr. Gregory,

*Ordered*, That the committee of the whole senate be discharged from the further consideration of the bill, providing for the opening of a part of the Michigan road.

The bill was then taken up and read; when

Mr. Graham moved to strike out of the first section, fifth line, the words "shall be," and insert in lieu thereof, the following, to wit: "is hereby changed, so as to locate the same along and upon the state road, through Columbus, in Bartholomew county, instead of Greensburgh."

Mr. Stevens made a call of order, and moved to reject the said amendment, without considering the same, because it was out of order; it being contrary to the enactments of the present session.

And on the question, shall the amendment be rejected?

It was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Ewing, Fletcher, Gregory, Linton, Lomax, M'Kinney, Morgan, Orr, Stevens, Watts, Worth. ✓

*Those who voted in the negative, were,*

Messrs. Claypool, Clendenin, Daniel, Depauw, Givens, Graham, Lemon, Maxwell, Robb, Sering.

On motion by Mr. Worth,

The bill was then amended in the first section, by striking out the words, "town of Indianapolis," and inserting in lieu thereof, the words, "Wabash river."

*Ordered,* That it be engrossed, and pass to a third reading.

On motion by Mr. Worth,

The committee of the whole senate was discharged from the further consideration of the bill, providing for a state road from Noblesville to Logansport, and from Indianapolis by Pendleton, to Andersonstown;—the amendment proposed by Mr. Morgan, in committee of the whole, which reads in the following words, to wit:

was disagreed to.

*Ordered,* That the bill be engrossed, and pass to third reading.

On motion by Mr. Linton,

The bill providing for the relocation of the county seat of Sullivan county; was taken up;

And the first and third amendments proposed by the senate to the said bill, and disagreed to by the house of representatives, were considered severally.

*Ordered,* that they be insisted on.

*Ordered,* That the house of representatives be informed that the senate insist on their first and third amendments to said bill, and have appointed Messrs. Linton and Sering, a committee of conference, to confer with a similar committee to be appointed on the part of the house of representatives, on the subject matter of disagreement between the two houses, relative to said bill, and a similar committee on their part requested.

And the Senate adjourned.



MONDAY, JANUARY 25, 1830.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act amendatory to the laws now in force, respecting replevin; and

An act, supplemental to an act, entitled an act, to relocate the seat of justice of Dubois county—approved January 21, 1830;

In which I am directed to ask the concurrence of the senate.

The house of representatives has passed an engrossed bill from the senate, entitled

An act to amend an act, entitled an act, for the relief of occupying claimants of land, without amendment.

Mr. Maxwell from the joint committee on enrolled bills, now reported, that they have compared the following enrolled, with the engrossed bills, entitled acts, to wit:

An act to provide for the public printing, and for other purposes;

An act amendatory to an act, entitled an act, authorising the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington—approved, January 7, 1828; and

A joint resolution, to the congress of the United States, requesting a corps of engineers to examine and survey White river, the east and west forks thereof, and to examine, and if found practicable, survey a canal route to connect the Wabash and Erie canal with the Ohio river.

And find the same truly enrolled.

The President laid before the senate, the following communication, to wit:

“INDIANAPOLIS, INDIANA,  
January 25th, 1830. }

HON. MILTON STAPP,

*President of the Senate:*

Through you I would inform the senate, that I hereby resign the office of assistant secretary, to the body over which

you preside, believing as I do, that it is incompatible with the spirit of our government for one individual to hold two offices at the same time, and solemnly impressed with the necessity of devoting every moment in preparation, to discharge the duties of the station to which the general assembly have been pleased to appoint me.

Respectfully,

CHARLES. H. TEST.

On motion by Mr. Morgan,

The senate now proceeded to the election of an assistant secretary, in the room of Charles H. Test, resigned, Messrs. Maxwell and M'Kinney having been appointed tellers; when,

Upon counting the ballots as reported by the tellers, it was found that Austin W. Morris had thirteen votes, and John H. Scott had seven votes—one vote scattering.

The President then proclaimed Austin W. Morris duly elected assistant secretary of the senate, for the residue of the present session; the said Austin W. Morris was then called into the senate chamber, and sworn into office by Caleb Scudder, Esq. justice of the peace in and for Marion county, in the state of Indiana, and entered upon the duties of his office.

Mr. Depauw, from the select committee to whom was referred an engrossed bill, to amend the act regulating estrays and water crafts going adrift;

Have had the same under their consideration, and have directed me report the said bill with one amendment, which is by striking it out from the word "up," in the twelfth line, first section, and insert in lieu thereof, several entire sections; all of which are herewith submitted.

The amendments were then read and concurred in.

*Ordered*, That they be engrossed and pass to a third reading.

Mr. Graham, from the select committee, to whom was referred the bill, to amend the act relative to navigable streams declared public highways, by the ordinance of congress of 1787, approved, January 23, 1829, now reported the bill to the senate, with the amendment contemplated in the resolutions given to your committee.

They have stricken out the preamble and the whole of the bill, except the enacting clause, and inserted in lieu thereof, an amendment which they herewith submit to the senate.

The amendment was then read and concurred in.

*Ordered*, That it be engrossed, and pass to a third reading.

Mr. Ewing, on leave being granted, introduced a joint resolution, to insure a route for the extension of the Wabash and Erie canal:

Which was read a first time, and passed to a second reading.

Mr. Morgan offered for consideration and adoption, the following resolutions, to wit:

*Resolved*, That the senate will adjourn *sine die*, on Saturday, the 30th instant, the house of representatives consenting thereto.

*Resolved*, That the house of representatives be informed of the adoption of this resolution, and a similar one on their part requested:

Which resolution being read,

Mr. Graham moved to amend the same, by inserting after the word instant," in the first resolution, the words "if the business is then completed;" and that no new business be received except petitions or remonstrances, after Wednesday the 27th instant.

Mr. Stevens then moved to amend in the first resolution, the time fixed for adjournment, and insert Wednesday week, the 3d of February.

And on motion by Mr. Depauw.

*Ordered*, That the resolution and proposed amendments, lie on the table.

Mr. Daniel, on leave being granted, introduced a joint resolution, providing for the erection of a grave or tomb stones, over the late D. C. Lane, deceased:

Which was read, and passed to a second reading.

Mr. Watts, on leave being granted, introduced a bill giving further powers to the president and select council of the town of Lawrenceburgh:

Which was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it be engrossed and pass to third reading.

The engrossed bill, from the house of representatives, to incorporate the White Water and Miami turnpike road company:

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill from the house of representatives, for the formation of a new county, east of Tippecanoe county, as amended in senate:

Was read a third time, and passed.

The engrossed bill from the house of representatives, for the formation of the counties of St. Joseph and Elkhart, as amended in senate:

Was read a third time, and passed.

The engrossed bill from the house of representatives, authorising the leasing of Jackson's Lick, in Monroe county:

Was read a third time as amended, and passed.

The engrossed bill to amend the act, concerning divorces:

Was read a third time,

And on the question, shall this bill pass?

It was determined in the negative—ayes 6, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Givens, Lomax, Maxwell, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Graham, Gregory, Lemon, Linton, Morgan, Orr, Robb, Sering, Worth.

The engrossed bill of the house of representatives, for the relief of the citizens of Daviess county:

Was read a third time,

And on the question, shall this bill pass?

It was determined in the negative—ayes 7, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Ewing, Givens, Lomax, Orr, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Depauw, Fletcher, Graham, Gregory, Lemon, Linton, Maxwell, Morgan, Robb, Sering, Worth.

The engrossed bill from the house of representatives, to change the mode of doing county business in the county of Delaware:

Was read a third time.

*Resolved,* That this bill pass.

The engrossed bill of the senate, for the relief of Julius Johnson:

Was read a third time, and passed.

*Ordered,* That the house of representatives be informed of the passage of the foregoing bills, and concurrence in the last mentioned bill requested.

On motion by Mr. Blair,

The senate reconsidered their vote on the passage of the bill for the relief of the citizens of Daviess county.

And the question again recurring, shall this bill pass?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Givens, Lomax, M'Kinney, Orr, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Graham, Gregory, Lemon, Linton, Maxwell, Morgan, Robb, Sering, Worth.

The engrossed bill from the house of representatives, last reported for concurrence, amendatory of the law now in force respecting replevin:

Was read a first time.

*Ordered,* That it pass to a second reading.

The engrossed bill from the house, supplemental to an act, to relocate the seat of justice of Dubois county—approved, January 21, 1830:

Was read a first time: when

Mr. Robb moved that the bill be rejected.

And on the question, shall this bill be rejected?

It was determined in the negative—ayes 8, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Lomax, Maxwell, M'Kinney, Robb, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Claypool, Depauw, Ewing, Givens, Graham, Gregory, Linton, Orr, Sering, Worth.

The engrossed bill from the house of representatives, to authorise the qualified voters of the different townships in the county of Harrison, to elect their township officers:

Was read a third time.

*Resolved,* That this bill pass.

The engrossed bill from the house of representatives, relative to Twin creek:

Was read a third time and passed, with an amendment.

The engrossed joint resolution from the house of represen-

tatives, allowing compensation to Philip Hedges, for distributing the laws and journals of the last general assembly:

Was read a third time.

*Resolved*, That this joint resolution pass—ayes 15, noes 5.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Depauw, Ewing, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Daniel, Fletcher, Graham, Stevens.

The engrossed memorial and joint resolution, from the house of representatives, of the general assembly of the state of Indiana, on the subject of extinguishing the Indian title to lands within this state, and of removing the Indians beyond the Mississippi:

Was read a third time and passed.

The engrossed bill from the house of representatives, relative to marriage license:

Was read a third time.

The engrossed bill from the house of representatives, authorising asylums for the poor, in the counties of Washington and Dearborn:

Was read a third time and passed.

The engrossed bill from the house of representatives, to amend an act, establishing a state road from Shelbyville, to intersect the Madison state road, in Jennings county—approved, January 19, 1828:

Was read a third time and passed.

The engrossed bill from the house of representatives, legalizing the proceedings of the probate court of the county of Pike:

Was read a third time and passed.

The engrossed bill from the house of representatives, legalizing the proceedings of the superintendent of a school section therein named:

Was read a third time and passed.

The engrossed bill of the senate, supplemental to an act, entitled an act, providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes:

Was read a third time and passed.

The engrossed bill of the senate, providing for opening a part of the Michigan road:

Was read a third time; when

Mr. Ewing moved to recommit it to a select committee, with the following instructions, to wit:

That inasmuch, as the proper location of said road, north of Indianapolis, is yet a subject of consideration, said bill be re-committed to a select committee with instructions, to strike out so much thereof, as provides for any work or expenditure on that part; leaving its enactments applicable to the road hence by Greensburgh to Madison.

Which was determined in the negative.

Mr. Orr, then moved that the bill be recommitted to a select committee with instructions, to strike out so much as relates to the Wabash and Erie canal funds, or canal lands:

Which was determined in the negative—ayes 8, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Graham, Lomax, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Claypool, Fletcher, Givens, Gregory, Linton, Maxwell, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

And on the question, shall said bill pass?

It was determined in the affirmative—ayes 12, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Gregory, Linton, Maxwell, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Calypool, Daniel, Depauw, Ewing, Givens, Graham, Lemon, Lomax, Robb.

Ordered, That the house of representatives be informed thereof, and their concurrence requested to the amendment made to the bill of the house, and in the bills of the senate.

The engrossed bill of the senate, to incorporate a company to make a turnpike road from New Albany, in Floyd county by

Greenville, Paoli, Mount Pleasant and Washington to Knox county;

Was read a third time.

And on motion by Mr. Daniel,  
Was laid on the table.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The engrossed bill of the senate, providing for a state road from Noblesville to Logansport, and from Indianapolis by Pendleton to Andersontown;

Was read a third time.

And on the question, shall this bill pass?

It was determined in the negative.

The engrossed bill of the senate to authorize the building of bridges across Lick and Salt creek was read a third time and passed.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill of the senate amendatory to the several acts now in force, regulating the writ of habeas corpus; Mr. Sering in the chair; when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the same with an amendment, which was by adding to the end of said bill, the following *proviso*, to wit:

*"Provided however*, That the possession of persons owing service under the laws of other states, or of the United States, shall not be released of their obligations under proceedings sanctioned by this writ; nor shall the labour or services of persons recognized by the laws of any state, as property, be released from servitude on sojourning through our state, by summary process, under this writ."

And on the question, will the senate concur in said amendment?

It was determined in the negative—ayes 8, noes 12.

The ayes and noes being requested by two senators.



*Those who voted in the affirmative, were,*

Messrs. Depauw, Ewing, Givens, Graham, Gregory, Lomax, Robb, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Fletcher, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Stevens, Worth.

And on the question, shall the bill pass to a third reading?

It was determined in the negative—ayes 10, noes 10.

The president voted in the negative.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Fletcher, Linton, Lomax, Maxwell, M'Kinney, Orr, Stevens, Worth, Mr. President.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Robb, Sering, Watts.

On motion by Mr. Orr,

The senate proceeded to reconsider their vote on the passage of the engrossed bill of the senate providing for a state road from Noblesville to Logansport and from Indianapolis by Pendleton to Andersontown; which,

On motion by Mr. Fletcher,

Was amended by common consent.

The question then recurring, shall this bill pass?

It was determined in the affirmative.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has receded from the first amendment, proposed by them to the engrossed bill of the senate, entitled,

An act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana;

And insist on the amendment proposed by them to the engrossed bill of the senate, entitled,

An act to provide for taking the enumeration of the white male inhabitants, above the age of 21 years, in this state.

The house insist upon their disagreement to the first and second amendments proposed by the senate, to the engrossed bill of the house, entitled,

An act to relocate the seat of justice of Sullivan county;

And has appointed Messrs, Boon and Reiley a committee of free conference, to act with the committee appointed on the part of the senate, to take into consideration the disagreeing votes of the two houses on said bill.

The house of representatives has passed an engrossed bill, entitled,

An act to amend the act for the relief of the poor.

In which I am directed to ask the concurrence of the senate.

The engrossed bill last reported from the house of representatives, for concurrence, entitled,

An act to amend the act entitled, an act, for the relief of the poor;

Was read a first time, and passed to a second reading.

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill of the house of representatives, for the relief of John J. Lewis, late collector of Shelby county; Mr. Stevens in the chair, when after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the same without amendment;

And said bill was then

*Ordered*, To be engrossed for a third reading.

The senate, according to order, resolved itself into committee of the whole, on the bill, to authorise the sale of one of the reserved sections of land, in the reserved township of land, in Monroe county; Mr. Watts in the chair, when after some time spent thereon the committee rose, the president resumed the chair, and the chairman reported the same to the senate without amendment.

Said bill was then considered engrossed, and read a third time, and passed.

*Ordered*, That the house of representatives be informed thereof, and their concurrence requested.

The following message was received from the Governor, by Mr. Sharpe, his private secretary, to wit:

MR. PRESIDENT:

I am requested by his excellency the Governor to inform the senate that he did on this day approve and sign,

An act in relation to the action of trespass;

A joint resolution concerning the Indiana college;

An act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes;

A joint resolution relative to the agent of the three per cent. fund; and,

A memorial of the general assembly of Indiana.

All of which originated in the senate.

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill from the house of representatives, entitled an act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace; Mr. Worth in the chair, when after some time spent thereon, the committee rose, the president resumed the chair, and the chairman reported the same to the senate with sundry amendments:

Which were severally read.

And on the question, will the senate concur in the first amendment made in committee of the whole, to said bill, which was by striking out the first section of said bill?

It was determined in the negative—ayes 6, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Graham, Linton, Lomax, M'Kinney, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Givens, Gregory, Lemon, Maxwell, Orr, Robb, Sering, Stevens, Worth.

And on the question, will the senate concur in the second amendment made in committee of the whole to said bill, which is by striking out the third section of said bill?

It was determined in the negative—ayes 6, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Graham, Lomax, Watts.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Gregory,  
W. 2

Lemon, Maxwell, M'Kinney, Orr, Robb, Sering, Stevens, Worth.

And on the question, will the senate concur in the third amendment, made in committee of the whole to said bill, which said amendment was by striking out the fourth section of said bill?

It was determined in the negative.

And on the question, will the senate concur in the fourth amendment made in committee of the whole, to said bill, which said amendment was by striking out the fifth section of said bill?

It was determined in the negative.

And on the question, will the senate concur in the fifth amendment, made in committee of the whole to said bill, which said amendment was by striking out the seventh section of said bill?

It was determined in the negative.

On motion by Mr. Daniel,

Said bill was further amended, by adding the following as addition al sections, to wit:

That all executions issued by any justice of the peace, shall be endorsed by the officer to whom it is delivered, (noting on the back thereof the day on which it comes into his hand, for collection) which shall from that time be a lien on the personal property of the defendant or defendants.

Sec. 21. The twentieth section of the act regulatling the jurisdiction and duties of justices of the peace, approved, January 30, 1824; be, and the same is hereby repealed.

And on the question, shall the amendments be engrossed and with the bill, pass to a third reading?

It was determined in the affirmative—ayes 12, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Fletcher, Givens, Gregory, Lemon, Maxwell, Orr, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Blair, Graham, Linton, Lomax, M'Kinney, Morgan, Stevens, Watts, Worth.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill, entitled,

An act fixing the times of holding the circuit courts, in the several judicial circuits in this state, and for other purposes;

In which I am directed to ask the concurrence of the senate.

The engrossed bill from the house of representatives, fixing the times of holding the circuit courts, in the several judicial circuits, in this state, and for other purposes;

Was read a first time, and passed to a second reading.

The bill was then read a second time, by common consent; when,

Mr. Lemon moved that the bill be committed to the committee on the judiciary, with instructions to amend the same so that there shall be but two terms of the circuit court, in each year, and that said committee be directed, also to fix the periods for holding the same.

And on the question, shall the bill be committed with these instructions?

It was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Graham, Gregory, Lemon, Morgan, Orr, Robb, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Givens, Linton, Lomax, Maxwell, M'Kinney, Sering, Stevens.

The engrossed bill amendatory to the act entitled, an act for the relief of the poor, approved, January 30, 1824; was now taken up.

*Ordered,* That the further consideration of said bill be indefinitely postponed.

On motion by Mr. Stevens,

The committee of the whole senate were discharged from the further consideration of the following entitled bills, to wit:

The engrossed bill for the formation of a new county north of Marion and Hendricks county;

The bill to repeal an act to establish the eastern boundary of Henry county, approved, January 26, 1827;

The engrossed bill to amend an act regulating the practice in suits at law, approved, January 30th, 1824;

The bill for the benefit of inhabitants of other states, traveling through or within this state;

The engrossed bill to authorise the leasing of the French Lick reserve, in Orange county;

The bill amendatory to the act for the relief of the poor, approved, January 30, 1824;

The engrossed bill to amend the act entitled, an act appointing commissioners to relocate the seat of justice of Lawrence county, approved, December 26, 1826; and

The bill amendatory of the several acts regulating the militia of the state of Indiana.

The engrossed bill to legalize the proceedings of the school commissioner of Madison county, from the house of representatives, was taken up, read a third time.

*Resolved*, That this bill pass.

On motion by Mr. Givens,

The bill to amend an act, entitled, an act to regulate judicial circuits, and fixing the times of holding courts, approved, January 14th, 1824; which was laid on the table, on the 13th instant, was now taken up.

*Ordered*, That it be committed to the judiciary committee, to consider and report thereon.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

**MR. PRESIDENT:**

The house of representatives concur in the amendments proposed by the senate to engrossed bills of the house, of the following titles, viz:

An act relative to Twin creek;

An act authorizing the leasing of Jackson's lick, in Monroe county;

An act for the formation of the counties of St. Joseph and Elkhart; and,

An act for the formation of a new county east of Tippecanoe county.

The engrossed bill to amend an act to establish the eastern boundary of Henry county, approved, January 26, 1827; was taken up and read; when,

Mr. Morgan moved to strike out the said bill from the enacting clause, and insert in lieu thereof the following, to wit:

That the boards doing county business, in the counties of Wayne and Henry, shall, at their May term, in the present year, each appoint one commissioner, which commissioners so appointed shall appoint one commissioner which three commissioners shall meet at the house of \_\_\_\_\_ in the county of \_\_\_\_\_, on the first Monday of July next or so soon thereafter as they may agree on, and after taking an oath faithfully to discharge the duties of them, by this act required, shall proceed to run and mark the line dividing the counties aforesaid, taking for their guide, an act, entitled an act, for the formation of a new county out of the counties of Franklin, Wayne and Fayette, and to enlarge the county of Wayne, approved, January 5, 1821.

And an act for the formation of a new county out of the county of Delaware, approved, December 31, 1821, and make a return of their proceeding to the clerks of the circuit courts of the said counties of Wayne and Henry, on or before the first day of September next, and the clerks aforesaid, shall each record the same in the book in which the proceedings of the board doing county business is recorded, and the line so run and marked shall thereafter be the permanent line dividing the counties aforesaid; the commissioners aforesaid shall each be allowed the sum of \_\_\_\_\_ per day, for each day they may be necessarily employed in the discharge of the duties of them by this act required, to be paid one half out of the county treasury of Henry, and the other half out of the county treasury of Wayne. All suits, pleas, complaints and prosecutions now pending in the said counties of Wayne and Henry, shall be prosecuted and carried on to final judgment, and execution had thereon in the same manner as if this act had not been passed.

And previous to taking any question thereon;

*Ordered*, That it lie on the table.

The engrossed bill to amend the act entitled, an act appointing commissioners to relocate the seat of justice of Lawrence county, approved, December 26, 1828; was taken up, read a third time; and,

On motion by Mr. Orr,

Was laid on the table.

The engrossed bill from the house of representatives, authorizing the leasing of the French lick reserve, in Orange county;

Was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof.

And the Senate adjourned.

---

TUESDAY, JANUARY 26, 1830.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act to amend the act, entitled an act relative to crimes and punishments—approved, January 20, 1824;

An act to amend an act, entitled an act, for the assignment of dower—approved, January 7, 1824;

An act providing for taking a list of taxable property in Vermillion county, and for other purposes;

An act to exempt from imprisonment for debt, soldiers of the Revolutionary war, and persons over the age of fifty-five years;

An act authorising a certain lease therein named;

An act to establish a certain state road therein named;

An act to relocate a part of the state road leading from Rockport to Bloomington;

An act for the benefit of the inhabitants of a certain township therein named; and

An engrossed joint resolution requesting aid of congress, to establish a hospital for the use of sick water-men;

In which several acts and joint resolution, I am directed to ask the concurrence of the senate.

The engrossed bill to amend the act entitled an act, relative to crimes and punishments—approved, January, 20, 1824:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

On motion,

*Ordered*, That the further consideration of said bill be postponed indefinitely.

The engrossed bill from the house of representatives, to



amend an act, entitled an act, for the assignment of dower-- approved, January 7, 1824:

Was read a first time.

*Ordered.* That it be rejected.

The engrossed bill providing for taking a list of the taxable property and polls, in Vermillion county, and for other purposes:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered.* That it pass to a third reading.

The bill was then read a third time by common consent.

*Resolved.* That this bill pass.

*Ordered.* That the house of representatives be informed thereof.

The engrossed bill to exempt from imprisonment for debt, soldiers of the Revolutionary war, and persons over the age of fifty-five years:

Was read a first time, and passed to a second reading.

The engrossed bill to establish a certain state road, therein named:

Was read a first time, and passed to a second reading.

The bill was then read a second time, and committed to a select committee, of Messrs. Robb, Daniel and Ewing.

The engrossed bill from the house of representatives, authorising a certain lease therein named:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered.* That it pass to a third reading.

The engrossed bill from the house of representatives, for the benefit of inhabitants of a certain township therein named:

Was read a first time, and passed to a second reading.

The bill was then read a second time; and

On motion,

Was indefinitely postponed.

The engrossed bill from the house of representatives, to relocate a part of the state road leading from Rockport to Bloomington:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent, and passed to a third reading.

The engrossed joint resolution from the house of representatives, requesting aid of congress, to establish a hospital for the use of sick water-men:

Was read a first time, and passed to a second reading.

Said bill was then by common consent, read a second time;

And on motion,

*Ordered*, That it be indefinitely postponed.

Mr. Sering presented the petition of John Vawter and others, praying the passage of a law, compelling the commissioners to locate the Michigan road, from Greensburgh, by the way of Vernon in Jennings county to Madison:

Which was read, and ordered to lie on the table.

Mr. Stevens, from the committee on the judiciary, to whom was committed the bill, from the house of representatives, fixing the times of holding courts, &c. with instructions to provide for only two terms of the circuit court in each county annually, and to fix the times of holding those courts—report,

That they have performed that duty, and have prepared an amendment accordingly, which they herewith report to the senate for their consideration:

Which was read.

Mr. Maxwell moved to amend said report, so as to change the times of holding courts in the county of Monroe:

Which motion did not prevail.

Mr. M<sup>r</sup> Kinney then moved the following amendments to said report, to wit:

That the courts shall be holden in the county of Franklin, on the third Mondays in February and third Mondays in August;

In the county of Dearborn, on the first Mondays in March and first Mondays in September;

In the county of Switzerland, on the third Mondays in March and third Mondays in September;

In the county of Jefferson, on the first Mondays in April and first Mondays in October;

In the county of Jennings, on the third Mondays in April and third Mondays in October;

In the county of Ripley, on the fourth Mondays in April and fourth Mondays in October;

In the county of Decatur, on the third Mondays in May and third Mondays in November, annually:

Which motion did not prevail.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act to amend an act, entitled an act, for the relief of occupying claimants of land; and

An act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana;

And find the same truly enrolled.

The question again recurring, will the senate concur in the amendments, made by the judiciary committee, to the aforesaid bill?

It was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Graham, Lemon, Linton, Morgan, Orr, Robb, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Givens, Gregory, Lomax, Maxwell, M'Kinney, Sering.

On motion,

*Ordered,* That said amendments be considered as engrossed, and with the bill, be read a third time now.

And the bill as amended in senate, being read a third time:

*Resolved,* That said bill pass; and

That the house of representatives be informed thereof, and concurrence in said amendments requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill, entitled

An act, for the relief of the subscribers, for building the state prison;

In which I am directed to ask the concurrence of the senate.

The engrossed bill from the house of representatives, for the relief of the subscribers for building the state prison:

Was read a first time; and

On motion by Mr. Gregory,

*Ordered,* That this bill be rejected.

Mr. Blair, from the select committee, to which was referred the engrossed bill from the house of representatives, for the improvement of the Wabash river, from Vincennes to the mouth of White river, reported the same, with sundry amendments:

Which amendments were read, and concurred in.

*Ordered,* That they be engrossed, and with the bill, pass to a third reading.

Mr. Sering, from the select committee, to whom was referred a resolution of the senate, directing an enquiry into the expediency of funding the avails of all school lands, salt lick res-

ervations, college lands, Michigan road lands, canal lands, and the three per cent. fund, and if deemed expedient, to report a system which shall preserve unimpaired, the respective funds, assuring a dividend of interest annually, applicable to the several objects—further report,

A bill to incorporate the president and directors of the state bank of Indiana:

Which bill was read a first and second time, and postponed to the first Monday in December next.

Mr. Linton moved for adoption, the following resolution:

*Resolved*, That five hundred copies of the foregoing bill, be printed for the use of the senate.

Mr. Gregory moved to amend said resolution, by adding thereto, the following, to wit: "and that forty copies thereof, be filed in the office of Secretary of state."

And on the question, shall the amendment proposed by Mr. Gregory, be adopted?

It was determined in the negative.

And on the question, shall the resolution, proposed by Mr. Linton, be adopted?

It was determined in the affirmative—aye's 12, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Depauw, Ewing, Fletcher, Gregory, Linton, McKinney, Morgan, Orr, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Daniel, Givens, Graham, Lemon, Lomax, Stevens, Worth.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did on this day, present to the Governor, for his approval and signature, the following enrolled bill, entitled an act, to wit:

An act providing means to construct the portion of the Wabash and Erie canal within the state of Indiana.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

Mr. Maxwell from the joint committee on enrolled bills, now reported, that they have compared the following enrolled, with the engrossed bills, entitled acts, to wit:

An act to establish a state road therein named;

An act to incorporate the town of Jeffersonville, in the county of Clark;

An act supplemental to an act declaring Mississinewa river a public highway;

An act to vacate a certain state road therein named, and for other purposes;

An act to establish a state road from Martinsville, by way of Lyon's Mill and Mooresville, leading north to the Michigan road;

An act making provision for expending the Mauk's ferry road fund, and for other purposes;

An act to authorise the board of justices of Pike county, to levy an additional tax, in said county;

An act to locate a state road, from Troy in Perry county, to Washington in Daviess county;

An act making general appropriations for the year 1830;

A joint resolution of the state of Indiana, on the subject of colonizing people of color;

A joint resolution relative to the Indiana college;

A joint resolution relative to a certain act of the commonwealth of Virginia; and

A joint resolution, authorising the auditor of public accounts to procure a list of relinquished lands from the land offices therein named.

And find the same truly enrolled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act supplemental to an act organizing the county of Clinton; and

An act to attach certain territory to the county of Hamilton;

In which I am directed to ask the concurrence of the senate.

The house of representatives has passed an engrossed bill from the senate, entitled

An act to authorise the building of bridges across Lick creek and Salt creek, with an amendment;

In which I am directed to ask the concurrence of the senate.

On motion by Mr. Orr,

The engrossed bill of the senate, to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years, in this state:

Was taken up; when

Mr. Orr, moved to agree to the proposed amendment of the house of representatives, with an amendment, which he handed in; and which was read at the secretary's table; and

On motion,

*Ordered*, That it lie on the table.

On motion by Mr. Fletcher,

The engrossed bill from the house of representatives, for the formation of a new county north of Marion and Hendricks counties;

Was read, amended in sundry of its details.

On motion by Mr. Fletcher,

*Ordered*, That the amendments be engrossed, and with the bill, pass to a third reading.

The engrossed bill from the house of representatives, supplemental to an act organizing the county of Clinton;

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it pass to a third reading.

The engrossed bill from the house of representatives, to attach certain territory to the county of Hamilton;

Was read a first time and passed to a second reading,

The bill was then read a second time by common consent.

*Ordered*, That it pass to a third reading.

Mr. Ewing, on leave being granted, introduced a bill in relation to certain county officers, in Daviess county;

Which was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered*, That it pass to a third reading.

The bill was then read a third time.

And on the question, shall this bill pass?

It was determined in the negative—ayes 7, noes 14.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Ewing, Maxwell, McKinney, Morgan, Sering, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Orr, Robb, Worth.

Mr. Gregory, on leave being granted, introduced a bill authorizing the board of county commissioners, in Shelby county, to hold special sessions;

Which was read a first time, and passed to a second reading. The bill was then read a second time by common consent.

*Ordered,* That it be engrossed, and pass to a third reading.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives disagree to the amendment proposed by the senate, to the engrossed bill of the house entitled,

An act fixing the times of holding courts, in the several judicial circuits, and for other purposes.

The senate then proceeded to consider their proposed amendments to the engrossed bill of the house of representatives, fixing the times of holding courts in the several judicial circuits, and for other purposes.

*Ordered,* That the senate insist on their proposed amendment to the last mentioned bill—ayes 13, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Graham, Gregory, Lemon, Morgan, Orr, Robb, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Givens, Linton, Lomax, Maxwell, McKinney, Sering, Stevens.

*Ordered,* That Messrs. Graham and Gregory be a committee of free conference on the part of the senate, to act with a similar committee on the part of the house of representatives, on the subject matter of disagreement between the two houses, relative to said bill; and that the house of representatives be informed thereof and a similar committee on their part requested.

The engrossed joint resolution to ensure a route for the extension of the Wabash and Erie canal;

Was read a second time; and,

On motion by Mr. Gregory,

Amended by striking out the preamble thereof.

And on the question, shall this joint resolution be engrossed and pass to a third reading?

It was determined in the negative.

The engrossed bill from the house of representatives, supplemental to an act entitled an act to relocate the seat of justice of Dubois county, approved, January 21, 1830;

Was read a second time; and,

On motion by Mr. Robb,

Ordered, That it be referred to a select committee, to consider and report thereon; and Messrs. Robb, Daniel and Givens, were appointed that committee.

The engrossed bill relative to the laws now in force, respecting replevin;

Was read a second time.

Ordered, That it lie on the table.

The joint resolution providing for erecting a grave or tomb stone over the late Daniel C. Lane, Esq. deceased;

Was read a third time.

Resolved, That this joint resolution pass.

Ordered, That the house of representatives be informed thereof, and concurrence therein requested.

The bill to repeal an act to establish the eastern boundary of Henry county, approved, January 26, 1827;

Which had been laid on the table, was now taken up; and,

On motion by Mr. Morgan,

Ordered, That the further consideration thereof be indefinitely postponed.

The engrossed bill from the house of representatives, to amend the act regulating estrays and water crafts going adrift;

Was read a third time, as amended, in senate.

And on the question, shall this bill pass?

It was determined in the negative.

The engrossed bill to open a state road from Racoon ford, in Parke county, to Lafayette, in Tippecanoe county;

As amended in senate, was read a third time.

Resolved, That this bill pass, and that it be entitled,

An act to provide for the location of a state road from the army ford on Racoon creek, in Parke county, to Lafayette, in Tippecanoe county, and for other purposes.

Ordered, That the house of representatives be informed



thereof and concurrence in the proposed amendments thereto requested.

The engrossed bill giving further powers to the president and select council of the town of Lawrenceburgh;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill providing for a state road from Noblesville to Logansport, and also from Indianapolis, by Pendleton, to Andersonstown;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill authorizing the sale of one of the reserved sections of land in the reserved township of land in Monroe county;

Was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed of the passage of the three last mentioned bills, and concurrence requested.

The engrossed bill amendatory to the several acts regulating the jurisdiction and duties of justices of the peace; from the house of representatives.

Was read a third time as amended in senate.

And on the question, shall this bill pass?

It was determined in the negative—ayes 9, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Fletcher, Givens, Lemon, Maxwell, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Graham, Gregory, Linton, Lomax, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

The engrossed bill from the house of representatives, to amend the act entitled an act appointing commissioners to relocate the seat of justice of Lawrence county, approved, December 26, 1828;

Was read a third time.

And on the question, shall this bill pass?

It was determined in the negative.

The engrossed bill to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Green-

ville, Paoli, Mount Pleasant and Washington to Vincennes, in Knox county;

Was read a third time.

Mr. Orr moved to recommit said bill to a select committee with the following instructions, to wit:

To amend the 5th section, so as to strike out so much of the same as relates to the three per cent. fund, as is now due or may hereafter become due to the counties of

, after an equitable division of the said three per cent. fund, among the several counties in the state, shall have taken place, shall be set apart and applied to said road; and for no other purpose.

Mr. Blair then moved to fill up the blank in the foregoing instructions, by inserting after the words "counties of," the following, to wit:

Knox, Davies, Martin, Orange, Lawrence, Washington, Clark, Floyd, Harrison, Crawford, Perry, Dubois, Spencer, Warrick, Vanderburgh, Posey, Gibson and Pike:

Which motion did not prevail.

And on the question, shall the bill be recommitted, with the foregoing instructions?

It was determined in the negative.

Mr. Blair moved to recommit the bill with instructions to strike out so much of the fifth section, as relates to the Wabash fund.

Which was determined in the negative—ayes 7, noes 13.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Linton, Lomax, Orr, Robb, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Maxwell, M'Kinney, Morgan, Stevens, Watts.

Mr. Robb moved that the further consideration of said bill be postponed for twenty years.

Which motion did not prevail—ayes 1, noes 19.

The ayes and noes being requested by two senators,

Mr. Robb voted in the affirmative.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Sering, Stevens, Watts, Worth.

Mr. Graham then moved to postpone the further consideration of said bill until the first Monday in December next:

Which was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Givens, Graham, Lomax, Maxwell, Morgan, Orr, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Gregory, Lemon, Linton, M'Kinney, Sering, Stevens, Watts.

And on the question, shall said bill pass?

It was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Gregory, Lemon, Linton, Maxwell, M'Kinney, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Fletcher, Givens, Graham, Lomax, Morgan, Orr, Robb, Sering, Worth.

The engrossed bill amendatory to the laws now in force, respecting replevin;

Was taken up, again read.

And on the question, shall this bill pass?

It was determined in the negative.

On motion by Mr. Orr,

The engrossed bill to provide for taking the enumeration of the white male inhabitants, above the age of twenty-one years, in this state;

Which was laid on the table, was now taken up.

Ordered, That the senate recede from their objection to the amendment proposed by the house of representatives, to the

last mentioned bill, with an amendment, to that proposed by the house.

*Ordered,* That the house of representatives be informed thereof and concurrence in the proposed amendment of the senate, to the amendment of the house requested.

And the Senate adjourned.

### WEDNESDAY, JANUARY 27, 1830.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act respecting free negroes, mulattoes, servants and slaves;

An act relative to the state road, from Rushville to Lawrenceburgh; and

An act to amend the act, authorising domestic attachments, and to regulate the proceedings thereon;

In which I am directed to ask the concurrence of the senate.

The house of representatives has passed engrossed bills from the senate, of the following titles, without amendment, to wit:

An act giving further powers to the president and select council of the town of Lawrenceburgh;

An act to amend an act, subjecting real and personal estate to execution—approved, January 30, 1824;

An act for the relief of Julius Johnson; and

A joint resolution providing for the erection of a grave or tomb stone over the late D. C. Lane, Esq. deceased.

The house of representatives has passed engrossed bills from the senate, each without amendments, of the following titles:

An act providing for the opening of a part of the Michigan road;

An act, supplemental to an act, for the location, opening and

improvement of certain state roads, passed at the present session of the general assembly, and for other purposes;

An act authorising the sale of one of the reserved sections of land, in the reserved township of land in Monroe county; and

An act providing for a state road from Noblesville to Logansport, and also, from Indianapolis by Pendleton, to Anderson town;

In which several amendments to said bills, I am directed to ask the concurrence of the senate.

The house of representatives concur in the amendments, proposed by the senate, to the engrossed bill of the house, entitled,

An act to improve the navigation of the Wabash below Vincennes.

The house of representatives insist upon their disagreement to the first amendment proposed by the senate, to the engrossed bill of the house, entitled

An act, fixing the times of holding courts in the several judicial circuits, and for other purposes; and has appointed Messrs. Hawk and Wallace of F., a committee of free conference, to act with the committee appointed on the part of the senate, to take into consideration the disagreeing votes of the two houses, on said bill.

Sundry enrolled bills were brought up from the house of representatives by Mr. Lanier, their clerk, which having been signed by their Speaker, were now signed by the president and handed over to the committee on enrolled bills, to be presented to the governor for his approval and signature.

The engrossed bill from the house of representatives, entitled "an act, relative to the state road from Rushville to Lawrenceburgh:"

Was read a first time, and passed to a second reading.

Said bill was then by common consent, read a second time.

The bill was then read a third time.

*Resolved*, That said bill pass.

The engrossed bill from the house of representatives, respecting free negroes, mulattoes, servants and slaves;

Was read a first time.

The bill was then read a second time.

*Ordered*, That it be committed to a committee of the whole senate.

The engrossed bill from the house of representatives, entitled "an act, to amend an act, authorising domestic attachments, and to regulate the proceedings thereon:

Was read a first time, and passed to a second reading.

The senate then proceeded to consider the amendments pro-

posed by the house of representatives, to the engrossed bill of the senate, entitled "an act, providing for opening a part of the Michigan road;" when

Mr. Sering moved, that the first amendment to said bill, be so amended, that Robert Branham be retained as commissioner on that part of said road which lies between the Ohio river and Indianapolis; and that Noah Noble be the commissioner on that part of said road, which lies between Indianapolis and the Wabash river:

Which was determined in the negative.

The senate then concurred in the amendments proposed by the house of representatives to said bill.

*Ordered*, That the house be informed thereof.

The senate then proceeded to consider the amendments proposed to the engrossed bill of the senate, by the house of representatives, entitled "an act, providing for a state road from Noblesville to Logansport, and from Indianapolis by Pendleton, to Andersontown:"

Which amendments were read, considered and agreed to.

The senate then proceeded to consider the amendments proposed by the house of representatives, to the engrossed bill of the senate, entitled "an act, authorising the sale of one of the reserved sections of land in the reserved township of land in Monroe county:

Which amendments were read and agreed to.

*Ordered*, That the house be informed thereof.

The senate then proceeded to consider the amendments proposed by the house of representatives to the engrossed bill of the senate, entitled "an act supplemental to an act, entitled an act, providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes:"

Which were read.

The second amendment to said bill was agreed to; and the first and third amendments disagreed to.

*Ordered*, That the house be informed thereof.

Mr. Stevens moved to reconsider the vote of yesterday, on the question, shall the bill, to amend the act, regulating estrays and water crafts going adrift, pass?

And on the question, will the senate reconsider said vote?

It was determined in the affirmative.

Mr. Lomax then moved to recommit the bill to a select committee, to consider and report thereon:

Which motion was determined in the negative.

The question again recurring, shall this bill pass?

It was determined in the affirmative—ayes 11, noes 8.  
The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Fletcher, Givens, Graham,  
Lemon, Linton, Lomax, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Gregory, McKinney, Morgan, Sering, Watts, Worth.

Mr. Claypool moved that the senate proceed to reconsider the vote given by the senate on yesterday, on the final passage of the engrossed bill from the house of representatives, entitled

An act amendatory of the several acts, regulating the jurisdiction and duties of justices of the peace:

Which was determined in the affirmative.

On motion by Mr. Claypool,

*Ordered*, That said bill be recommitted to a select committee, to consider and report thereon; and Messrs. Claypool, Givens and Ewing were appointed that committee.

Mr. Stevens moved to reconsider the vote of yesterday, on the rejection of the engrossed bill from the house of representatives, for the relief of the subscribers for building the state prison:

It was determined in the affirmative.

And the question recurring, shall the bill be rejected?

Which was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Gregory, Lomax, Maxwell, McKinney, Orr, Robb, Sering.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Givens, Graham, Lemon, Linton, Morgan, Stevens, Watts, Worth.

Mr. Ewing presented the petition of Julius Johnson and others, praying the extension of a state road from Reeder's ferry, to Mount Pleasant, so as to intersect the Rockport and Bloomington road, at such place as the commissioners to be appointed may think proper:

Which motion was read, and laid on the table.

Mr. Gregory, from the committee on roads, to whom was referred the communications of Benjamin I. Blythe, agent of the three per cent. fund, on the subject of settlement with Mr. Bradford, president of the state road leading from Washington in Daviess county, to Indianapolis—now report,

That in the investigation of the report and accompanying letter of the agent, together with the agent's annual report; in the letter, there seems to have been drawn by Mr. Bradford, the president of said road, and James Ball and Mr. Hart, the other two commissioners, on the above road, from said agent, the sum of \$1009 37½; which sum Mr. Bradford, in the settlement, has shown that the same has been applied in the following manner:

Expenses for surveying and locating road No. 28,	\$139 17
For building bridge over Richland creek,	500 00
For building bridge over Raccoon creek,	185 00
James Ball, for building bridge over creek,	173 50
Thomas Bradford, for repairing bridge over Raccoon creek,	53 25
Services for commissioners attending bridges,	90 75
	<hr/>
	\$1150 67

This sum from the agent's report, is one hundred and forty-one dollars and forty-six cents more than the commissioners were charged with; the sum for which they were charged being \$1009 21.—From Mr. Blythe's report, it appears in the settlement with Bradford the president of the board, that the draft of twenty-one dollars given to James Ball, for his services, was settled as so much cash paid; when in fact, Bradford had not paid Ball one cent on the draft, though Mr. Blythe received it in the settlement as cash. There is likewise, yet in the hands of Mr. Bradford, besides the twenty-one dollars, thirty-two dollars accounted for, which together, will make the sum of fifty-three dollars four cents; this seems to be the difficulty with Mr. Blythe, whether he shall pay Mr. Ball the full amount out of other monies, when the fifty-three dollars and four cents is yet in the hands of the commissioners and unexpended. Your committee are of opinion, that sum being a part of the money appropriated for opening the state road, on which Mr. Ball was one of the commissioners, and Mr. Ball the only commissioner retained on said road, by an act of the general assembly—approved, January 23, 1829; and by that act, is entitled to receive all the unexpended balance of money, that may remain in the hands of the former board, of which Mr. Bradford was president. And as it so appears to the



satisfaction of the committee, they have instructed me to report a joint resolution, instructing the agent of the three per cent. fund, to retain, and not pay to James Ball as is provided in a bill, passed at the present session, more than the sum of one hundred and ninety-three dollars; the fifty-three dollars yet in the hands of Mr. Bradford, will make the whole amount (due Mr. Ball, by the act, passed at the present session of the general assembly,) of the sum of two hundred and forty-six dollars:

Which report was read, and concurred in.

And the joint resolution was read a first, second and third times by common consent, and passed.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

Mr. Daniel presented the petition of James Wakefield and others, praying a law, declaring Little Pigeon creek a public highway:

Which was read; and

Thereupon, on leave being granted,

Mr. Daniel introduced a bill, declaring Little Pigeon creek a public highway:

Which was read a first time, and passed to a second reading.

The bill was then read a second time by common consent, and passed to a third reading.

Said bill was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

Mr. Linton moved to reconsider the vote of the senate, had on yesterday, indefinitely postponing the engrossed bill from the house of representatives, for the relief of the inhabitants of a certain township therein named;

Which was determined in the affirmative.

And the question again recurring, shall said bill be indefinitely postponed?

It was determined in the affirmative.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act to authorise the building of bridges across Lick creek and Salt creek;

An act giving further powers to the president and select council in the town of Lawrenceburgh in the county of Dearborn, Indiana;

An act to amend an act, subjecting real and personal estate to execution—approved; January 30, 1824;

An act for the relief of Julius Johnson;

An act to legalize the proceedings of the school commissioner of Madison county;

An act to change the mode of doing county business in the county of Delaware, and for other purposes;

An act in relation to certain ferries;

An act authorizing asylums for the relief of the poor, in the counties of Washington and Dearborn;

An act to amend an act entitled an act establishing a state road from Shelbyville to intersect the Madison state road, in Jennings county, approved, January 19th, 1828;

An act providing for taking a list of taxable property and polls in Vermillion county, and for other purposes;

An act to incorporate the White Water, and Miami turnpike road company;

An act for the formation of a new county east of Tippecanoe county;

An act relative to Twin creek;

An act legalizing the proceedings of the probate court of the county of Pike;

An act to authorise the qualified voters of the different townships in the county of Harrison, to elect their township officers;

An act legalizing the proceedings of the superintendent of a school section therein named;

A memorial and joint resolution of the general assembly of the state of Indiana on the subject of extinguishing the Indian title to land within this state, and of removing the Indians beyond the Mississippi;

A joint resolution, allowing compensation to Philip Hedges, for distributing the laws and journals;

And find the same truly enrolled.

Mr. Linton moved that the senate reconsider the vote, against the passage of the engrossed bill of the senate, entitled

An act to amend the act, concerning divorces:

Which was determined in the affirmative;

And the question again recurring, shall this bill pass?

It was determined in affirmative.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

The engrossed bill from the house of representatives, entitled

An act to exempt from imprisonment for debt, soldiers of the Revolutionary war, and persons over the age of fifty-five years:

Was taken up, and read a second time; when

Mr. Stevens moved to strike out the third section thereof;  
Which motion was determined in the affirmative.

Mr. Ewing moved to strike out the second section of said bill;

Which was determined in the negative.

And on motion by Mr. Graham,

*Ordered*, That the bill lie on the table.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did on this day present to the governor for his approval and signature, the following enrolled bills, entitled acts and joint resolutions, as follows, to wit:

An act to establish a state road from Martinsville, by way of Lyon's Mill and Mooresville, leading north to the Michigan road;

An act to amend an act entitled an act, for the relief of occupying claimants of land;

An act making provision for expending the Mauk's ferry road fund, and for other purposes;

An act to locate a state road, from Troy in Perry county, to Washington in Daviess county;

An act to vacate a certain state road therein named, and for other purposes;

An act supplemental to an act declaring Mississinewa river a public highway;

An act making general appropriations for the year 1830;

An act to authorise the board of justices of Pike county, to levy an additional tax, in said county;

An act to incorporate the town of Jeffersonville, in the county of Clark;

An act to establish a state road therein named;

A joint resolution, authorising the auditor of public accounts to procure a list of relinquished lands from the land offices therein named;

A joint resolution relative to a certain act of the commonwealth of Virginia;

A joint resolution relative to the Indiana college;

A joint resolution of the state of Indiana, on the subject of colonizing people of color;

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives, concur in the amendment proposed by the senate to the engrossed bill of the house, entitled,

An act to amend the act regulating estrays and water crafts going adrift.

The house recede from the first amendment proposed by them to the engrossed bill of the senate, entitled,

An act supplemental to an act providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes, but insist on the third amendment, proposed by them to said bill.

The house of representatives agree to the amendment proposed by the senate, to the amendment proposed by the house, to the engrossed bill of the senate, entitled,

An act to provide for taking the enumeration of the white male inhabitants, above the age of twenty one years, in this state.

The house has passed an engrossed bill from the senate, entitled,

An act relative to navigable streams, declared public highways, by the ordinance of congress of 1787, approved, January 23, 1829: with amendments;

In which I am directed to ask the concurrence of the senate.

The senate proceeded to consider the third amendment, proposed by the house of representatives, to the engrossed bill of the senate, entitled,

An act supplemental to an act entitled, an act for opening and locating certain state roads, passed at the present session of the general assembly, and disagreed to by the senate; and,

On motion by Mr. Gregory,

Ordered, That the senate insist on the disagreement to said amendment—ayes 16, noes 4.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Gregory, Lemon, Linton, Maxwell, M'Kinney, Orr, Robb, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Givens, Lomax, Morgan.

The senate proceeded to consider the amendments proposed by the house of representatives, to the engrossed bill of the senate relative to navigable streams, declared public highways by the ordinance of congress of 1787, approved, January 23, 1829;

And the same having been read and considered, were disagreed to.

*Ordered*, That the house of representatives be informed thereof.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bill, entitled an act, to wit:

An act providing for the opening of part of the Michigan road;

And find the same truly enrolled.

The engrossed bill from the house of representatives, supplemental to an act, organizing the county of Clinton;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill of the house of representatives, to attach certain territory to the county of Hamilton;

Was read a third time.

*Resolved*, That this bill pass.

The engrossed bill of the house of representatives, to relocate a part of the state road, leading from Rockport to Bloomington;

Was read a third time, as amended in senate.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed of the passage of the three foregoing bills, and concurrence in the amendment made to the last mentioned bill requested.

The engrossed bill of the senate authorising the board of commissioners of Shelby county, to hold a special session;

Was read a third time,

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill of the house of representatives, to regulate the militia of the state of Indiana; Mr. Blair in the chair; when, after some time spent thereon, the committee rose, the President resumed the chair, and the Chairman reported the bill to the senate with an amendment, which was read and concurred in.

*Ordered*, That it be engrossed and with the bill pass to third reading.

Mr. Graham, from the committee of free conference, on the subject matters of difference between the two houses, relative to the bill fixing the times of holding the courts, in the several judicial circuits, agree that the house of representatives shall recede from their disagreement, to the amendment, made by the senate, to said bill, and concur in the same, with the following amendments, to wit:

In the second section, strike out "the last Mondays, in February and August;" and insert in lieu thereof, first Mondays in March and third Mondays in August; in the fifth line from the bottom of said section, strike out "twelve" and insert six, and in the next line below, strike out "six" and insert twelve; strike out the third section and insert in lieu thereof, the following:

Sec. 3. In the county of Switzerland, on the third Mondays of February and August; in the county of Jefferson, on the fourth Mondays in February and August; in the county of Jennings on the second Mondays of March and September; in the county of Ripley, on the third Mondays of March and September; in the county of Franklin, on the fourth Mondays of March and September; in the county of Dearborn, on the second Mondays of April and October; in the county of Decatur, on the fourth Mondays of April and October, and the said circuit courts, to be holden as above, in the said third judicial circuit, shall sit in the counties of Ripley, Jennings, Switzerland and Decatur, six days each, if the business require it; and in the counties of Jefferson, Dearborn and Franklin, twelve days if the business require.

Strike out of the fourth section, the four first lines and part of the fifth line, to the word August inclusive, and insert in lieu thereof "in the county of Dubois, on the Thursdays preceeding the second Mondays in April and October; in the county of Pike, on the second Mondays of April and October;

And in the sixth section, strike out these words "Mondays succeeding the courts in the county of Delaware," and insert in lieu thereof, second Mondays, in May and November.

*Ordered*, That the said report be concurred in; and that the house of representatives be informed thereof.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT;

The house of representatives has agreed to the report of the committee of free conference, appointed on the part of the house to act with a similar committee, appointed on the part of senate, to take into consideration the disagreeing votes of the two houses, relative to the engrossed bill of the house entitled,

An act fixing the times of holding courts, in the several judicial circuits, in this state, and for other purposes.

The engrossed bill from the house of representatives, entitled, an act to exempt from imprisonment for debt, soldiers of the revolutionary war, and persons over the age of fifty-five years; was taken up; when,

Mr. Graham' moved to amend the same, by adding thereto the following *proviso*, to wit:

*Provided however*, That in all cases where any creditor shall be deprived of the power of collecting any just claim, in consequence of the operation of this act, in every such case it shall be the duty of the judge or justice, trying the same, to give the plaintiff a certificate of that fact, which certificate shall be a sufficient warrant for the auditor to audit, and the treasurer of state to pay the same out of any money in the treasury, not otherwise appropriated;

Which proposed amendment was not adopted.

Mr. Watts then proposed the following amendment to said Bill. to wit:

"For all debts which may hereafter be contracted:"

Which amendment was read and adopted.

*Ordered*, That the amendment be engrossed and with the bill pass to a third reading.

The amendment was then engrossed and the bill as amended, read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and their concurrence in the amendment requested.

On motion by Mr. Sering,

The committee of the whole senate was discharged from the further consideration of the engrossed bill of the house of representatives, entitled, an act making an appropriation for the improvement of the state road from Indianapolis to Madison;

The bill was then taken up in senate; when,

Mr. Robb, moved to amend the same, by adding thereto the following, as an additional section, to wit:

Sec. That one hundred and fifty dollars out of the three per cent. fund, be, and the same is hereby appropriated to aid in constructing a bridge across a bayou, on the mail route leading from Princeton, in Gibson county, to Mount Carmel, in Wabash county Illinois, to be applied in such manner, and under the superintendence of such person or persons, as the board of Gibson county may direct.

Sec. The board of justices of said Gibson county is hereby authorized and required to draw on the agent of the three per cent. fund, for the amount hereby appropriated to aid in constructing the said bridge across said bayou, and the agent of the three per cent. fund, is hereby required to pay the same.

And on the question, shall the bill be so amended?

It was determined in the negative.

Mr. Givens then proposed the following amendment to said bill, to wit:

*"And be it further enacted,* That five hundred dollars out of the three per cent. fund, be appropriated for the purpose of building a bridge across Big Pigeon creek, in Vanderburgh county, on the state road from Fredonia to the mouth of the Wabash, to be drawn and applied by Alanson Warren the commissioner on said road; and the agent of the three per cent. fund is required to pay the same out of any money in his hands, not otherwise appropriated.

And on the question, shall this amendment be adopted?

It was determined in the negative.

Mr. Givens then proposed the following as an additional section to said bill, to wit:

*"And be it further enacted,* That one hundred and twenty-five dollars out of the three per cent. fund, be appropriated to open and repair the state road from Mount Vernon, in Posey county, to Collins' ferry on the Wabash, in a direction to Vandalia, in Illinois, and the board of justices of Posey county are hereby authorized, to appoint some fit person, to draw and apply the same, who shall be governed, in all respects, as commissioners on state roads are, and the agent of the three per



cent. fund, shall pay the aforesaid sum to such commissioner out of any money in hands, not otherwise appropriated;

Which was read and adopted.

Mr. Claypool then moved to amend the said bill, by adding thereto the following, as two additional sections, to wit:

Sec. That the sum of fifty dollars, be appropriated out of the three per cent. fund, to aid in improving the state road, up the great hill, on the state road leading from Bedford by Liberty, Brownsville to Connersville, situated immediately west of the crossing of the east fork of White Water at Brownsville; and that James Beard of Union county, be appointed to draw and apply said money, in the best probable manner, to that use.

Sec. That the sum of fifty dollars be appropriated out the three per cent. fund, to aid in improving the state road leading from Connersville to Rushville, situated immediately west of the crossing of Williams' creek, and that Alanthus Thomas, be appointed to draw and apply the said money, in the best possible manner, to that use; and that the agent of the three per cent. fund, be authorised to pay the said commissioners, on their order, the sum allotted to each:

Which being read;

Mr. McKinney moved to amend the amendment, proposed by Mr. Claypool, by adding thereto the following, to wit:

That five hundred dollars of the three per cent. fund, be appropriated to the erection of a bridge across the east fork of White Water river, at the eastern termination of James' street, in the town of Brookville, and that the agent of the three per cent. fund, pay the same to the order of the board of county commissioners of Franklin county.

And previous to taking any question on these proposed amendments;

Mr. Orr moved that the further consideration of the bill, with the amendment, be postponed indefinitely.

And on the question, shall the further consideration of the bill, as amended, be indefinitely postponed?

It was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being requested by two senators.

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Ewing, Linton, Lomax, Maxwell, Morgan, Orr, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Depauw, Fletcher, Givens, Graham, Gregory, Lemon, M'Kinney, Sering, Stevens, Watts.

On motion by Mr. Orr,

The committee of the whole senate was discharged from the further consideration of the bill to amend an act, entitled, an act for opening and repairing public roads and highways, approved, January 24, 1828.

The bill was then read at the secretary's table; and,

On motion by Mr. Maxwell,

*Ordered*, That it be postponed indefinitely.

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill from the house of representatives, respecting free negroes, mulattoes, servants and slaves; Mr. Claypool in the chair, when, after some time spent thereon, the committee rose, the president resumed the chair, and the chairman reported the bill to the senate, with an amendment, which was read and concurred in.

Mr. Lomax then moved to amend the bill by striking out the ninth section thereof, which reads in these words, to wit:

"Sec. 9. That any person or persons shall hereby be authorised to pass through this state, with their negroes, when emigrating to any other state, without making any unnecessary delay."

And on the question, shall the ninth section be stricken out?

It was determined in the negative—ayes 7, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Fletcher, Lomax, Maxwell, M'Kinney, Sering.

*Those who voted in the negative, were,*

Messrs. Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Orr, Robb, Watts, Worth.

Mr. ——— then moved that the further consideration of said bill be indefinitely postponed.

And on the question, shall this bill be indefinitely postponed?

It was determined in the negative—ayes 9, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Givens, M'Kinney, Morgan, Sering; Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Graham, Gregory, Lemon, Linton, Lomax, Maxwell, Orr, Robb.

Ordered, That the amendment be engrossed, and with the bill pass to a third reading—ayes 11, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Maxwell, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Fletcher, Lomax, M'Kinney, Morgan, Sering, Watts, Worth.

Sundry enrolled bills having received the signature of the speaker of the house of representatives, were now brought up by Mr. Lanier, their clerk, for the signature of the president of the senate, and he having signed the same, they were handed to the committee on enrolled bills, to be laid before the governor for his approval and signature.

And the Senate adjourned.

---

## THURSDAY, JANUARY 28, 1830.

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills of the following titles, viz:

An act to amend an act, for assessing and collecting the revenue—approved, January 30, 1824;

An act for the relief of the scurities of Samuel Postlewait, late collector of Dubois county;

An act to amend the act, entitled an act, incorporating congressional townships, and providing for public schools therein;

An act for the better regulating of officers and offices, in Monroe county;

An act to establish a state road from the Jeffersonville state road, (on the west side of Silver creek,) to the lower falls of the Drift-wood fork of White river; and

An act supplemental to an act, to regulate the judicial circuits, and fixing the times of holding courts therein, passed at the present session of the general assembly.

The house of representatives has passed engrossed bills from the senate, of the following titles, without amendment:

An act to amend the acts, concerning divorces;

An act for the relief of Paul Cattleberry, late commissioner on the state road leading from Fredonia to the mouth of the Wabash river;

An act declaring Little Pigeon creek a public highway;

An act authorising the board of commissioners of Shelby county, to hold special sessions;

An act appointing Asher Labertew agent of the reserved township of land in Monroe county, and for other purposes;

And engrossed joint resolutions of the following titles:

A joint resolution of the general assembly, concerning the agent of the three per cent. fund;

A joint resolution on the subject of canal lands donated to Indiana by congress.

The house of representatives concur in the amendments proposed by the senate, to engrossed bills of the house, of the following titles, viz:

An act for the formation of a new county north of Marion and Hendricks counties;

An act to relocate a part of the state road leading from Rockport to Bloomington; and

An act to exempt from imprisonment for debt, soldiers of the Revolutionary war.

The house of representatives insist on the first and second amendments proposed by them to the engrossed bill of the senate, entitled

An act relative to navigable streams declared public highways, by the ordinance of congress of 1787—approved, January 23, 1829.

The house has *adhered* to the third amendment proposed by them to the engrossed bill from the senate, entitled

An act supplemental to an act, entitled an act, providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes.

Mr. Fletcher, from the joint committee on enrolled bills, reported that they did on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act relative to Twin creek;

An act for the formation of a new county east of Tippecanoe county;

An act to legalize the proceedings of the probate court of the county of Pike;

An act in relation to certain ferries;

An act providing for opening part of the Michigan road.

The engrossed bills from the house of representatives, of the following titles, to wit:

An act for the relief of the securities of Samuel Postlewait, collector of Dubois county;

An act for the better regulating of officers and offices in the county of Monroe:

Were severally read a first time, and passed to a second reading.

The engrossed bill from the house of representatives, entitled "an act to amend an act, for assessing and collecting the revenue"—approved, January 30, 1824:

Was read a first time, and

On motion by Mr. Claypool,

Ordered, That said bill be rejected.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has adopted the following resolution:

*Resolved*, That this house will adjourn on Saturday, the 30th instant, *sine die*, and that the senate be informed of the same, and a similar resolution on their part requested.

The following message was received from the Governor, by Mr. Sharpe, his private secretary, to wit:

MR. PRESIDENT:

I am requested by his excellency the Governor to inform the senate that he did on this day approve and sign,

An act to amend an act, entitled an act, for the relief of occupying claimants of land;

Which originated in the senate.

The engrossed bill from the house of representatives, entitled "an act incorporating congressional townships therein named, and providing for public schools:"

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent, and passed to a third reading.

The engrossed bill from the house of representatives, entitled "an act supplemental to an act, entitled an act, to regulate the judicial circuits, and fixing the times of holding courts:

Was read a first time, and passed to a second reading.

Said bill was by common consent, then read a second time, and passed to a third reading.

It was then read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and their concurrence therein requested.

Sundry enrolled bills were brought up from the house of representatives by Mr. Lanier, their clerk, which having been signed by their Speaker, were now signed by the president of the senate, and handed over to the committee on enrolled bills, to be presented to the governor for his approval and signature.

The senate then proceeded to consider the amendments proposed by the house of representatives to the engrossed bill of the senate, entitled "an act relative to navigable streams declared public highways, by the ordinance of congress of 1787—approved, January 23, 1827.

On motion by Mr. Linton,

*Ordered*, That the senate continue to insist on their disagreement to the proposed amendment of the house of representatives to said bill, and that a committee of free conference be appointed on the part of the senate, to act with a similar committee, to be appointed by the house of representatives, to take into consideration the disagreeing votes of the two houses on said bill.

*Ordered*, That Messrs. Linton and Ewing, be that committee.

The senate again proceeded to consider their disagreement to the amendment proposed by the house of representatives to the engrossed bill of the senate, entitled "an act supplemental to an act, providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly."

The senate continue to insist on their disagreement to the proposed amendment made by the house of representatives to said bill, and appoint Messrs. Orr and Linton a committee of free conference, to act with a similar committee, to be appointed on the part of the house, to take into consideration the disagreeing votes of the two houses on said bill.

Mr. Claypool, from the select committee, to whom was committed an engrossed bill from the house of representatives, entitled "an act amendatory of the several acts, regulating the jurisdiction and duties of justices of the peace—reported the same to the senate, with five amendments:

Which amendments were severally read.

Mr. Lomax then moved to amend said report, by adding the following as an additional section, to wit:

*"Be it further enacted,* That justices of the peace shall be allowed six cents per mile for travelling to the county seat to make return of the transcript and certificate of appraisement of estrays, as the laws require; and the taker up of such estrays, is hereby required to pay such travelling expense, in addition to the fees now required by law:"

Which amendment was determined in the negative;

And on the question, will the senate concur in said report?

It was determined in affirmative.

Said bill as amended, was then read a third time.

*Resolved,* That this bill pass.

*Ordered,* That the house of representatives be informed thereof, and their concurrence in the amendments requested.

Mr. Fletcher, from the joint committee on enrolled bills, reported, that they had on this day, presented to the governor for his approval and signature, the following enrolled bills and joint resolutions, entitled as follows:

An act to amend an act, subjecting real and personal estate to execution—approved, January 30, 1824;

An act to authorise the qualified voters of the different townships in the county of Harrison, to elect their township officers;

An act to legalize the proceedings of the school commissioner of Madison county;

An act to amend an act entitled an act establishing a state road from Shelbyville to intersect the Madison state road, in Jennings county, approved, January 19th, 1828;

An act amendatory to an act, entitled an act, authorising the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington—approved, January 7, 1828; and

A joint resolution providing for the erection of a tomb stone over the grave of the late D. C. Lane, Esq. deceased.

- An act authorizing asylums for the relief of the poor, in the counties of Washington and Dearborn;

An act for the relief of Julius Johnson;

A joint resolution, allowing compensation to Philip Hedges, for distributing the laws and journals;

An act providing for taking a list of taxable property and polls in Vermillion county, and for other purposes;

Mr. Robb, from the select committee, to whom was referred the engrossed bill supplemental to an act, entitled an act, to relocate the seat of justice of Dubois county—approved, January 21, 1830—reported,

That they have agreed to amend said bill, by striking out the whole of the bill after the word 'county' in the sixth line, and to insert in lieu thereof, an amendment herewith reported:

Which report was read, and concurred in.

Said amendments were then read, and

*Ordered*, To be engrossed, and with the bill, pass to a third reading.

And being now engrossed, the bill as amended, was read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and their concurrence requested.

Mr. Linton, from the committee of free conference, appointed to take into consideration the disagreeing votes between the two houses, upon the subject of a bill, providing for the relocation of the county seat of Sullivan county—reported,

That they have had the same under consideration, and have agreed to the following amendment as a substitute for that proposed by the senate to the original bill of the house, which was disagreed to, to wit:

Strike out Joseph Chambers, and insert John Decker.

The committee cannot agree as to the third amendment proposed by the senate to said bill, and ask to be discharged from the further consideration of the subject;

Which report was read and concurred in.

Mr. Ewing moved that the senate recede from their disagreement to the third amendment proposed by the senate to the engrossed bill from the house of representatives, entitled, "an act providing for the relocation of the seat of justice of Sullivan county:"

Which motion was determined in the affirmative.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:



An act providing for a state road from Noblesville to Logansport, and also, from Indianapolis by Pendleton, to Anderson town;

An act to provide for taking the enumeration of the white male inhabitants, above the age of 21 years, in this state;

An act authorising the sale of one of the reserved sections of land, in the reserved township of land in Monroe county;

An act to amend the acts, concerning divorces;

An act for the relief of Paul Castleberry, late commissioner on the state road leading from Fredonia to the mouth of the Wabash river;

An act declaring Little Pigeon creek a public highway;

An act authorising the board of commissioners of Shelby county to hold special sessions;

An act appointing Asher Labertew agent of the reserved township of land in Monroe county, and for other purposes;

An act fixing the times of holding the circuit courts in the several judicial circuits, and for other purposes;

An act in relation to the state road, from Rushville in Rush county to Lawrenceburgh in Dearborn county;

An act to exempt from imprisonment for debt, soldiers of the Revolutionary war;

An act for the improvement of the Wabash below Vincennes;

An act supplemental to an act, organizing the county of Clinton;

An act to relocate a part of the state road leading from Rockport to Bloomington;

An act to attach certain territory to the county of Hamilton;

An act for the formation of the counties St. Joseph and Elkhart.

A joint resolution on the subject of canal lands donated to Indiana by congress: and

A joint resolution of the general assembly concerning the agent of the three per cent fund;

And find the same truly enrolled.

On motion by Mr. Robb,

The engrossed bill from the house of representatives, entitled "an act for the relief of Samuel Postlewait, late collector of Dubois county:"

Was taken up, read a second time, and passed to a third reading.

The engrossed bill from the house of representatives, entitled "an act to establish a state road from the Jeffersonville state

road, on the west side of Silver creek, to the lower falls of the Drift-wood fork of White river:

Was read a first time, and passed to a second reading.

The bill was read by common consent a second time, as amended, and passed to a third reading.

The bill was then read a third time as amended.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

The engrossed bill from the house of representatives, entitled "an act authorising domestic attachments, and to regulate the proceedings thereon:

Was read a third time, and indefinitely postponed.

The engrossed bill from the house of representatives, entitled "an act respecting free negroes, mulattoes, servants and slaves;

Was read a third time.

Mr. Sering then moved to recommit said bill to a select committee, with instructions to strike out all of said bill, except the first section.

Mr. Watts moved to amend said instructions, by adding these words, "and last section;"

Which motion was determined in the negative.

The question recurring on Mr. Sering's proposition,

It was determined in the negative.

The question again recurring, shall this bill pass?

Which was determined in the negative—ayes 9, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Graham, Gregory, Lemon, Linton, Orr, Robb,

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Fletcher, Givens, Lomax, M'Kinney, Morgan, Sering, Stevens, Watts, Worth.

Mr. Fletcher, from the joint committee on enrolled bills, reported, that they did on this day, present the governor for his approval and signature, the following enrolled bills and joint resolutions, entitled as follows, to wit:

An act to authorise the building of bridges across Lick creek and Salt creek;

An act to change the mode of doing county business in the county of Delaware, and for other purposes;

An act giving further powers to the president and select council of the town of Lawrenceburgh in the county of Dearborn, Indiana;

An act to incorporate the White Water, and Miami turnpike road company;

A act legalizing the proceedings of the superintendent of a school section therein named;

A joint resolution, to the congress of the United States, requesting a corps of engineers to examine and survey White river, the east and west forks thereof, and to examine, and if found practicable, survey a canal route to connect the Wabash and Erie canal with the Ohio river.

A memorial and joint resolution of the general assembly of the state of Indiana on the subject of extinguishing the Indian title to land within this state, and of removing the Indians beyond the Mississippi;

An act fixing the times of holding courts, in the several judicial circuits, in this state, and for other purposes.

The following message was received from the governor by Mr. Sharpe, his private secretary:

MR. PRESIDENT:

I am requested by his excellency the governor, to inform the senate, that he did on this day approve and sign,

An act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana;

Which originated in the senate.

The engrossed bill from the house of representatives, entitled "an act regulating the militia of the state of Indiana:

Was read a third time as amended by the senate.

Mr. Orr moved to amend said bill, by striking out its title; and inserting in lieu thereof, the following, to wit:

"An act amendatory of the several acts regulating the militia of the state of Indiana:"

Which was determined in the affirmative.

And on the question, shall this bill pass?

It was determined in the affirmative—ayes 11, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Depauw, Ewing, Fletcher, Givens, Gregory, Lemon, Linton, Maxwell, M'Kinney, Morgan, Orr, Robb, Sering, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Daniel, Graham, Lomax, Stevens, Worth.

*Ordered*, That the house of representatives be informed thereof, and their concurrence requested.

The President laid before the senate, the following communication from the governor:

EXECUTIVE DEPARTMENT, INDIANA, }  
Indianapolis, January 28, 1830. }

MILTON STAPP,

*President of the Senate:*

SIR: I herewith return to the senate of the state of Indiana, An act to provide for the public printing, and for other purposes, without my signature, for a reconsideration, which originated in the senate, and passed both houses of the present general assembly. After maturely considering this bill and its tendency, my mind has arrived at a settled conviction, that it ought not to become a law of the land. The independence of the press and the low condition of our treasury, concur in its rejection. This bill makes an invidious and unjust distinction, in the mode of making public contracts. The public printing, as well as all other public contracts, should be submitted to a fair competition, as is provided for by the laws of the state now in force; where competitors are not wanting, to do justice both to the state and themselves. The provisions of this bill are calculated to make the public printer the subservient instrument of the dominant party in the legislature, from time to time, who will have abundant inducements to sacrifice his independence, with every change of strength. The public printer may, or he may not, be the conductor of a public journal, so that the press may be converted into the exclusive engine of a party.

This bill ought not to pass, because the printing of the state, has hitherto been well executed, for a price ONE THIRD less than it proposes to give; and it is believed, that it can again be performed, with every necessary despatch, and mechanical neatness and correctness, at the same rate. The undersigned, therefore, for these and many other reasons which might be urged, cannot consent to take several hundred dollars of the people's money yearly out of their treasury, to be virtually bestowed upon any man, without any consideration in return.—The people have not called for the change contemplated, and

cannot be interested in a project like the one proposed, if once sanctioned, to increase their taxes, and to corrupt the channel by which intelligence is enabled to reach their fire-sides.

It is my province to add, that this determination has been influenced IN PART by a communication which was addressed to me on this subject by one of the present state printers, which is as follows, to wit:

INDIANAPOLIS, JAN. 23, 1830.

To J. B. RAY,

*Governor of Indiana:*

SIR: Previous to the third reading of the bill relative to the election of a public printer, and the regulation of the prices of printing, the following communication was submitted to the legislature:

*To the Honorable,*

*The House of Representatives  
of Indiana:*

The undersigned, one of the printers for the state, understanding a bill is now on its third reading in your body, providing for the election of a public printer; and understanding also, that the prices, as set forth in said bill, have been greatly increased, from those now given; and having made great sacrifices in procuring materials to perform the work with despatch, and in a neat manner, and being aware in these times of pressure and difficulty, that the people demand of their representatives, as much economy as possible, I have come to a conclusion, having materials adequate to the performance of the work, to propose to your honorable body, that every necessary security will be given, even if amounting to fifty thousand dollars, for the performance of the printing for the next session, at the present prices, to wit: 25 cents per thousand ems; 30 cents per token for medium, and 35 cents for royal paper; and will further agree to perform the work in as speedy a manner as set forth in the bill now before your honorable body. The prices in the bill are increased about one third; and presuming the printing to amount at least to one thousand dollars, under my prices, (calculating from the amount of printing of last session,) by favoring my pretentions, the sum of THREE HUNDRED and FIFTY dollars will be gained

to the state, at the least calculation; and in the same proportion for a greater amount.

I leave the subject to the consideration of your honorable body, hoping, as a proof of my sincerity, my proposition will be recorded on your journals. If necessary, my materials can be exhibited to a committee that may be appointed by your honorable body, should you think proper to recommit the bill. I herewith present a specimen of the type on which I will print both journals, viz: "Judge Blackford's Address;" which, from its size, will be an additional saving in press-work and paper; and will bind myself to procure a new fount of type, of the usual size, for printing the laws; so that nothing shall be wanting to insure the work to be done, at least equal to the public printing of our sister states.

Respectfully submitted.

GEORGE SMITH.

*Indianapolis, Jan. 23, 1830.*

The above calculation was founded on the last year's printing; which, as will be seen by examining the files of the auditor and treasurer, amounted to one thousand and twenty dollars, at the rates at which I proposes to do the work. But from calculation, founded on the increase of printing for the last few years, will be much greater. The printing for the year previous to the last, amounted to about seven hundred dollars; last year, one thousand; and this year, (the press work on the journals being double by an increased number of copies; and reports, &c. being more numerous,) it will amount at least to thirteen hundred; and progressing in a like proportion, the next year's printing will amount to sixteen hundred dollars at least, at my prices, even should the laws not be revised—but there is a strong indication, judging from reports on the journals of this session, of committees, who state as reasons for not entering into certain measures, that it would be unnecessary, as the laws *will* be shortly revised. But going on the calculation of the work at the above price, which I think not too low, by adding one third more, as contemplated in the bill, the advance on my prices, will be *five hundred thirty three and one third* dollars. But should the laws be revised, as there is every probability, the printing would, at the least calculation, amount to three thousand dollars; so that, in that event, there would be a saving of *one thousand* dollars to the people. And I would here remark, that a probability

of a revision of the laws, was an additional inducement for me to offer my proposition to the legislature, as the principal item of work would then be press-work, I propose to do press-work of the description that would be required on the laws, for 35 cents per token. I can get the best of workmen, to work at press for 20 cents per token, on the *description* of *tokens* set forth in the bill; which are less, in white paper, *one quire* in every ten, than the tokens by which our present contract is governed. This would leave me 15 cents per token. This reduction in the quantity of paper in the tokens, I have no hesitation in saying, was completely overlooked by the legislature, as I said nothing on the subject. But Mr. Merrill who has always settled with us, can give information what he has allowed, which will correspond with the statements above.

This is a plain view of the case, which I conceive it a duty I owe myself, and the country in which I live, and where my *all* is vested, to make. I also conceive it a duty I owe the representatives of the people, who sustained me in my proposition, (the bill having passed each house by a single vote.) I also conceive it my duty to lay these facts before you; as several gentlemen, I am well convinced, did not understand the nature of printing sufficiently to vote knowingly on my propositions. I make no charge against the legislature, believing them, as a body, composed of men, who are disposed to act with economy, and to go as far as possible in promoting the best interests of the state. But I do believe they were mistaken: and believing this, I have been induced to lay the whole before you.

GEORGE SMITH.

*Indianapolis, Jan. 23, 1830,*

All of which is respectfully submitted.

I have the honor to be,

Sir,

Very respectfully,

Your ob't serv't;

J. BROWN RAY.

And the said objections having been read and considered and the enrolled bill aforesaid being also considered,  
The question again recurring. shall this bill pass?

It was determined in the affirmative, by the following vote, to wit:

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Graham, Gregory, Linton, Maxwell, Orr, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Ewing, Fletcher, Givens, Lemon, Lomax, M'Kinney, Morgan, Robb.

*Ordered.* That the house of representatives be informed, that the said bill has passed the senate, after considering the governors objections thereto, by a majority of all the senators elected, and their concurrence therein be requested.

And the Senate adjourned.

*Two o'clock, P. M.*

The Senate assembled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed engrossed bills from the senate, of the following titles, viz: .

An act to incorporate a company to make a turnpike road from New Albany, Floyd county, by Greenville, Paoli, Mount Pleasant and Washington to Vincennes, in Knox county; and,

An act declaratory of the law on the subject of divorces;

The first named bill with amendments and the last without amendment.

In which amendments to the first named bill, I am directed to ask the concurrence of the senate.

The house of representatives has concurred in the report of the committee of free conference, appointed on the part of the house, to take into consideration the disagreeing votes of the two houses, relative to the bill of the house, providing for the relocation of the seat of justice of Sullivan county; and said committee has been discharged from the further consideration of the subject.

The senate proceeded to consider the amendments, pro-



posed by the house of representatives, to the engrossed bill of the senate, entitled an act to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington to Vincennes, in Knox county.

The first amendment having been considered, was concurred in, and the second amendment having also been considered, was disagreed to—ayes 9, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Graham, Linton, Lomax, Maxwell, Orr, Sering, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Gregory, Lemon, McKinney, Morgan, Robb, Watts.

Mr. Ewing then moved to amend the third amendment made by the house of representatives to said bill by striking out the words “and actually paid in:”

Which motion was determined in the negative.

Mr. Gregory then moved to amend said third amendment, adding thereto, after the word “individuals” the following, “United States corporation and states:”

Which motion was carried in the affirmative.

And on the question, will the senate concur in the foregoing amendments?

It was determined in the affirmative.

*Ordered,* That the house of representatives be informed thereof, and concurrence in the amendment of the senate requested.

*On motion by Mr. Claypool,*

The engrossed bill to extend a certain act therein named to the county of Warren;

Which had been laid on the table, was now taken up, and the first, second, third and fourth amendments made by the house of representatives thereto, were now read and concurred in, and the fifth amendment proposed by the house of representatives, to said bill, was disagreed to.

*Ordered,* That the house of representatives be informed thereof.

Mr. Claypool moved that the senate proceed to reconsider their vote of yesterday, indefinitely postponing the engrossed

bill of the house of representatives, making an appropriation for the improvement of the state road, from Indianapolis to Madison;

And on the question, will the senate reconsider said vote?

It was determined in the affirmative.

And the question again recurring, shall this bill be indefinitely postponed?

It was determined in the negative—ayes 6, noes 10.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Ewing, Lomax, Orr, Robb, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Depauw, Fletcher, Givens, Graham, Gregory, Lemon, M'Kinney, Sering, Watts.

Mr. Morgan moved to amend the said bill, by striking out the words, "one thousand," and inserting the words, "six hundred and fifty:"

Which was determined in the affirmative—ayes 13, noes 6.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, M'Kinney, Morgan, Sering, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Linton, Lomax, Orr, Robb, Worth.

Mr. Claypool then renewed his motion of yesterday, to amend said bill, as did also Mr. M'Kinney, to amend the amendment proposed by Mr. Claypool, (see on the journal of yesterday:)

Which was determined in the negative.

Mr. Orr moved by way of amendment to Mr. Claypool's proposed amendment, the following, to wit:

That the sum of two hundred and fifty dollars be appropriated to build a bridge across the Walnut fork of Eel river, on the state road leading from Greencastle to Clinton on the Wabash, to be expended by the commissioner on said road, and that the agent of the three per cent. fund, be required to pay the same accordingly. That the sum of two hundred and fifty dollars be appropriated to build a bridge across Sugar creek.

on the state road from Crawfordsville to Lafayette, to be expended by the commissioner on said road, and that the agent of said fund shall pay it over accordingly.

And on the question shall this amendment be adopted?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Gregory, Linton, Lomax, Maxwell, Orr, Robb, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Graham, Lemon, McKinney, Morgan, Sering, Watts.

Mr. Blair moved the following amendment to Mr. Claypool's proposed amendment, to wit:

Sec. That the sum of one hundred dollars is hereby appropriated out of the three per cent. fund, to aid in building a bridge across the Little Vermillion, at the town of Newport, in Vermillion county, and that Stephen B. Gardner, be appointed a commissioner to superintend the building of the same, and that the agent of the three per cent. fund shall pay the same to said commissioner, whenever the said commissioner shall produce satisfactory evidence, that the board of county business in said county, has appropriated a like sum, to the same object.

And on the question, shall this amendment be adopted?

It was determined in the negative—ayes 10, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Fletcher, Gregory, Linton, Lomax, Maxwell, Orr, Robb, Stevens, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Graham, Lemon, McKinney, Morgan, Sering, Watts.

Sundry other motions were made and amendments proposed to Mr. Claypool's proposed amendment, making appropriations for various objects, to wit:

By Mr. Fletcher, appropriating five hundred dollars to open a state road from Noblesville to Logansport;

By Mr. Robb, appropriating two hundred dollars, for open-

ing the mail route, leading from Princeton to Mount Carmel;  
By Mr. Ewing, appropriating one hundred and fifty dollars,  
for repairing the road leading from Vincennes to Washington,  
All of which motions were determined in the negative.

The original motion of Mr. Claypool was then determined  
in the negative.

And on the question, shall the amendments be engrossed,  
and with the bill pass to a third reading now?

It was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Ewing, Fletcher, Givens, Gram,  
Gregory, Lemon, Maxwell, M'Kinney, Morgan, Sering,  
Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Linton, Lomax, Orr, Robb, Worth.

The amendments were then engrossed, and the bill as amended, read a third time.

*Resolved,* That said bill pass.

*Ordered,* That the house of representatives be informed  
thereof, and concurrence in the amendments requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives concur in all the amendments  
proposed by the senate, to the engrossed bill entitled,

An act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace.

The house recede from the amendments proposed by them  
to the engrossed bill of the senate entitled,

An act relative to navigable streams declared public highways by the ordinance of 1787, approved, January 23, 1829;

The house of representatives has reconsidered their vote,  
adhering to the third amendment proposed by them to the engrossed bill of the senate, supplemental to the act entitled,

An act for opening and improving certain state roads, passed at the present session of the general assembly, and has receded from said amendment.

The house of representatives disagree to all the amendments  
proposed by the senate to the engrossed bill of the house entitled,

**An act to regulate the militia of the state of Indiana.**

The house has agreed to all the amendments proposed by the senate to the engrossed bill of the house entitled,

**An act to establish a state road from the Jeffersonville state road (on the west side of Silver creek) to the lower falls of the Drift-Wood fork of White river.**

The senate proceeded to consider the amendments proposed by them to the engrossed bill from the house of representatives, entitled "an act regulating the militia of the state of Indiana," and insist upon their amendments to said bill.

*Ordered*, That the house be informed thereof.

The engrossed bill from the house of representatives for the relief of the securities of Samuel Postlewait, late collector of Dubois county:

Was read a first and second times and amended by common consent;

And the amendments being now engrossed, were with said bill, read a third time and passed.

*Ordered*, That the house of representatives be informed thereof, and concurrence in said amendment requested.

Mr. M'Kinney moved, that the senate do now proceed to reconsider their vote, refusing to pass to a third reading, the engrossed bill of the house of representatives, incorporating congressional townships, and providing for public schools;

And the said vote being now reconsidered;

And the question again recurring, shall this bill pass to a third reading?

It was determined in the affirmative—ayes 10, noes 9.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Ewing, Fletcher, Givens, Linton, Lomax, M'Kinney, Robb, Sering, Stevens, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Gregory, Maxwell, Morgan, Orr, Worth.

The bill was then read a third time and passed.

*Ordered*, That the house of representatives be informed thereof.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

**An act declaratory of the law, on the subject of divorces;**

An act for the formation of a new county, north of Marion and Hendricks counties;

And find the same truly enrolled.

On motion by Mr. Gregory,

*Resolved*, By the senate, the house of representatives concurring therein, that the senate will meet the house of representatives in the representatives' hall, to-morrow morning at 10 o'clock, and proceed to the election of three canal commissioners, and that the house of representatives be informed thereof, and a similar resolution on their part requested.

Mr. Fletcher, from the joint committee on enrolled bills, reported, that they did on this day present to the governor for his approval and signature, the following enrolled bills, and joint resolutions, to wit:

An act to attach certain territory to the county of Hamilton;

An act for the formation of the counties of St. Joseph and Elkhart;

An act for the improvement of the Wabash below Vincennes;

An act to exempt from imprisonment for debt, soldiers of the Revolutionary war;

A joint resolution of the general assembly concerning the agent of the three per cent fund;

An act providing for a state road from Noblesville to Logansport, and also, from Indianapolis by Pendleton, to Anderson town;

An act appointing Asher Labertew agent of the reserved township of land in Monroe county, and for other purposes;

An act for the relief of Paul Castleberry, late commissioner on the state road leading from Fredonia to the mouth of the Wabash river;

A joint resolution on the subject of canal lands donated to Indiana by congress:

An act relative to the state road, from Rushville in Rush county to Lawrenceburgh in Dearborn county;

An act supplemental to an act, organizing the county of Clinton;

An act to relocate a part of the state road leading from Rockport to Bloomington;

An act to provide for taking the enumeration of the white male inhabitants, above the age of 21 years, in this state;

An act authorising the sale of one of the reserved sections of land, in the reserved township of land in Monroe county;

An act authorising the board of commissioners of Shelby county to hold special sessions;

An act declaring Little Pigeon creek a public highway;

An act to amend the acts, concerning divorces.

Mr. Deputy, moved to take up the resolution heretofore laid on the table, on the subject of adjournment:

Which motion did not prevail.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill, entitled

An act relative to the mill improvements of Lewis H. Davis, on the St. Mary's river;

In which I am directed to ask the concurrence of the senate.

The house of representatives has receded from the third amendment proposed by them to the engrossed bill from the senate, entitled "an act to extend a certain act therein named, to the county of Warren.

The house has also receded from the second amendment proposed by them to the engrossed bill of the senate, entitled "an act to incorporate a company to make a turnpike road from New Albany, by way of Greenville, Paoli, Mount Pleasant and Washington to Vincennes;

And agree to the amendment proposed by the senate, to the third amendment proposed by the house to said bill.

The engrossed bill of the house of representatives, entitled "an act relative to the mill improvements of Lewis H. Davis, on the St. Mary's river;

Was read a first, second and third times, amended by common consent, and passed.

Ordered, That the house of representatives be informed thereof, and concurrence requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed joint resolution, making reciprocal provisions to aid in the prosecution of crimes committed in this state and the adjoining states;

In which I am directed to ask the concurrence of the senate.

Said joint resolution was read a first and second times; and

On motion,

Postponed until the first Monday in December next.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives have adopted the following resolution, viz:

*Resolved*, The senate concurring herein, that the two houses will proceed, in the hall of the house of representatives, by joint ballot, to elect three canal commissioners for the Wabash and Erie canal, at 7 o'clock this evening.

On motion by Mr. Stevens,

The vote taken on the adoption of the resolution providing for the election of canal commissioners on to-morrow morning, 10 o'clock, was reconsidered.

Said resolution was then amended by striking out 10 o'clock to-morrow morning, and inserting 7 o'clock this evening, and adopted as amended.

*Ordered*, That the house of representatives be informed thereof.

And the Senate adjourned, by common consent, until 7 o'clock, this evening.

*Thursday evening, 7 o'clock, P. M.*

The Senate assembled.

*Ordered*, That Mr. Claypool be teller on the part of the senate in the election of canal commissioners, and that the house of representatives be informed thereof.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill, entitled

An act making specific appropriations for the year 1830;  
In which I am directed ask the concurrence of the senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:



MR. PRESIDENT:

The house of representatives has adopted the following resolution, viz:

*Resolved*, That the house of representatives is now ready to meet the senate in the hall of the house, for the purpose of going into the election of three canal commissioners, in pursuance of a resolution this day adopted, and that seats are provided for the gentlemen of the senate on the right of the Speaker's chair.

Mr. Johnson of K. has been appointed teller on the part of the house.

The senate then proceeded to the hall of the house of representatives, and took their seats pursuant to previous arrangement, when both branches of the general assembly proceeded by joint ballot, to the election of three canal commissioners; when,

Upon counting the votes, as reported by the tellers, it was found that David Burr, had sixty-six votes, Samuel Lewis had fifty-three votes, Samuel Hannah had forty-one votes, Jordan Vigus had forty one votes; and there were twenty-one votes scattering;

David Burr and Samuel Lewis were then proclaimed by the president of the senate, in presence of both branches of the general assembly to be duly elected canal commissioners, for the period of three years from this date.

Both branches of the general assembly then proceeded by joint ballot to elect a third canal commissioner; when,

Upon counting the votes, as reported by the tellers, it was found that Jordan Vigus had forty-five votes; and Samuel Hannah had thirty-two votes; and that there were four scattering votes given.

The president of the senate then, in presence of both branches of the general assembly, proclaimed Jordan Vigus duly elected canal commissioner for three years from this date.

The senate then returned to their chamber, and adjourned.

FRIDAY, JANUARY 29, 1830.

The Senate assembled.

The engrossed bill from the house of representatives, making specific appropriations for the year 1830:

Was read a first time, and passed to a second reading.

The bill was then read a second time.

*Ordered,* That it be committed to a committee of the whole senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed joint resolution, relative to a certain number of the acts of 1824;

In which I am directed to ask the concurrence of the senate.

The engrossed joint resolution last reported from the house of representatives for concurrence:

Was read a first, second and third times by common consent, and passed.

*Ordered,* That the house of representatives be informed thereof.

The following message was received from the Governor, by Mr. Sharpe, his private secretary, to wit:

MR. PRESIDENT:

I am requested by his excellency the Governor to inform the senate that he did on this day approve and sign,

An act providing for opening part of the Michigan road:

Which originated in the senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

I am instructed by the house of representatives, to inform the senate, that the house of representatives have passed an engrossed bill, entitled "an act, authorising the distribution of the laws and journals, and for other purposes;

In which the concurrence of the senate is requested.

The bill was then read a first, second and third times, and passed by unanimous consent.

*Ordered,* That the house of representatives be informed thereof.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act providing for the relocation of the county seat of Sullivan county;

An act supplemental to an act, to regulate the judicial circuits, and fixing the times of holding courts therein, passed at the present session of the general assembly;

An act to amend an act, regulating estrays and water crafts going adrift;

An act supplemental to an act, entitled an act, providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes;

An act to incorporate a company to make a turnpike road from New Albany in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes, in Knox county; and,

An act relative to navigable streams declared public highways, by the ordinance of congress of 1787—approved, January 23, 1829;

And find the same truly enrolled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill, entitled

An act to regulate medical societies;

In which I am directed to ask the concurrence of the senate.

The engrossed bill last reported from the house of representatives for concurrence, regulating medical societies:

Was read a first and second times by common consent;

When, Mr. Graham moved to amend said bill, as follows: after the word 'society,' insert these words, 'or practising physician at the time of taking effect of this act;'

Which amendment was adopted.

And on the question, shall this bill as amended, pass?

It was determined in the affirmative—ayes 11, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, vere,*

Messrs. Blair, Daniel, Fletcher, Graham, Linton, Maxwell, Morgan, Orr, Sering, Watts.

*Those who voted in the negative, were,*

Messrs. Claypool, Depauw, Givens, Lemon, Lomax, McKinney, Robb.

*Ordered,* That the house of representatives be informed thereof.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

I am instructed by the house of representatives, to inform the senate, that the house of representatives has passed engrossed bill, to incorporate the managers of the Madison and Indianapolis turnpike company.

The bill last reported from the house of representatives for concurrence, relative to the Madison and Indianapolis turnpike company:

Was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

*Ordered,* That it be postponed to the first Monday in December next.

Mr. Morgan, on leave being granted, introduced a supplement to an act, entitled

An act providing means to construct the portion of the Wabash and Erie canal within the state of Indiana:

Which was read a first time, and passed to a second reading.

The bill was then read a second time by common consent.

The bill was then read a third time.

*Resolved,* That this bill pass.

*Ordered,* That the house of representatives be informed of the passage of said bill, and concurrence therein requested.

The following message was received from the governor, by Mr. Sharpe, his private secretary:

MR. PRESIDENT:

I am requested by his Excellency the governor, to inform the senate that he did on this day, approve and sign,

A joint resolution, to the congress of the United States, requesting a corps of engineers to examine and survey White river, the east and west forks thereof, and to examine, and if found practicable, survey a canal route to connect the Wabash and Erie canal with the Ohio river.

A joint resolution on the subject of canal lands donated to Indiana by congress.

An act giving further powers to the president and select council of the town of Lawrenceburgh;

An act to authorise the building of bridges across Lick creek and Salt creek;

An act for the relief of Julius Johnson;

A joint resolution providing for the erection of a tomb stone over the grave of the late D. C. Lane, Esq. deceased.

An act amendatory to an act, entitled an act, authorising the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington—approved, January 7, 1828;

An act to amend an act, subjecting real and personal estate to execution—approved, January 30, 1824;

An act authorising the sale of one of the reserved sections of land in the reserved township of land in Monroe county;

An act authorising the board of commissioners of Shelby county, to hold special sessions;

An act declaring Little Pigeon creek a public highway;

An act to amend the acts, concerning divorces;

A joint resolution of the general assembly, concerning the agent of the three per cent. fund;

An act providing for a state road from Noblesville to Logansport, and also from Indianapolis by Pendleton to Andersonstown;

An act appointing Asher Labertew agent of the reserved township of land in Monroe county, and for other purposes;

An act for the relief of Paul Castleberry, late commissioner on the state road leading from Fredonia to the mouth of the Wabash river; and,

An act to provide for taking the enumeration of the white male inhabitants, above the age of twenty-one years in this state;

All of which, originated in the senate.

The following communication from the canal commissioners was laid before the senate by the President, to wit:

THE HONORABLE,

THE GENERAL ASSEMBLY OF THE STATE OF INDIANA.

The board of canal commissioners, transmit herewith extract copies of their correspondence with the commissioner of the General Land Office, in relation to reservations of lands located within the limits of the canal donation, since the 2nd March, 1827, under the direction of the President of the United States.

"Extract from a letter to the Commissioner of the General Land Office, from the Board of Canal Commissioners, dated,

"Treaty Ground, Nov. 29th, 1829

"Enclosed abstract A is a list of the reservations of land, located within the limits of the canal grant, since the 2nd March, 1827, under the direction of the President of the United States, a part of which will fall on lands, which, would otherwise belong to the state. The Board wish to be informed, if you consider these locations permanent, and placed in a situation similar (as respects the canal donation) with the lands which have heretofore been sold."

**A**  
*Abstract of Reservations selected under the direction of the President of the United States.*

(1828.)

No	Date.	Names of Applicants.	Sections.	ranges.	townships.	Remarks.
1	July 10	Baptiste Jutreae	N. 1 of section 28	2 East.	27 North.	Conveyed to D. Bell by approval of President of U.S.
2	" 11	Simson, a Pottawatamie	19 and 20	2 "	27 "	" William Scott and others, " "
3	" 14	Rebecca Hackley,	E. 1 of section 11	6 "	27 "	" Hugh Hanna, " "
4	" 14	Lewis & Mary St. Comb,	S. E. 1 of " 20	2 "	27 "	" Allen Hamilton, " "
5	" 21	Anne Turner,	S. E. 1 of " 15	8 "	28 "	" Barnett and Hanna, " "
"	" "	"	S. W. 1 of " 14	8 "	28 "	" Barnett and Hanna, " "
6	Sept. 5	James Burnett,	17 2	2 "	27 "	
7	Oct. 23	Hyacinth Lascelle,	29 1	2 "	27 "	
"	" "	"	17 6	2 "	27 "	
8	Nov. 1	Nancy Burnett,	S. 1 section 22	2 "	27 "	
"	" "	"	N. 1 " 27	2 "	27 "	
9	June "	Jane Wells,	W. 1 " 21	2 "	27 "	

Extract from a letter to the board of canal commissioners from the commissioner of the General Land Office, dated,

*"General Land Office, Jan. 4th, 1830."*

"With respect to those tracts of land which was reserved by treaty, but subject to the discretion of the President of the United States, as to their location, and which from a misapprehension of the instructions from this office, have been permitted to be entered on the lands appropriated for the canal, I can only say that it was not the intention of the executive, that those reservations should have been located within the limits of the canal donation, and so far as he gave his assent to the transfer of some of these claims, he was not aware of their locality. Under these circumstances the state must decide whether she has a better legal title to the lands than those persons, who have obtained the sanction of the President, to the transfer of their claims."

Extract from a letter, from the commissioner of the General Land Office, dated,

*"12th January, 1830."*

"Abstract exhibiting the sections and fractions of sections which have been selected by the commissioner of the General Land Office, under the direction of the President of the United States, and which are granted to the state of Indiana for the purpose of aiding the said state, in opening a canal to unite, at navigable points, the waters of the Wabash river with those of Lake Erie. With the exception of such portion of them as may have been sold or otherwise legally disposed of by the United States."

The list of sections accompanying the above includes section, No. 20, Town 27 North Range, 2 East; S. E.  $\frac{1}{4}$  sec. 15, T. 27 N. R., 8 E; sec. 17, T. 27, N. R. 2 E; sec. 29, T. 27 N. R., 1 E; sec. 17, T. 27 N. R. 6 E; S.  $\frac{1}{4}$  sec. 22, T. 27, R. 2 E; and the N.  $\frac{1}{4}$  of section 27, T. 27, N. R. 2 E, which are the tracts located under the direction of the President of the United States, on the lands falling according to the division made to the share of the state.

On the largest part of these tracts, considerable improvements have been made, and the holders of a part of those, which have been transferred by the approval of the President, have notified the board, of their titles and before the state

can obtain possession of these tracts, legal proceedings will probably have to be instituted against the occupants.

Although these tracts are well selected as regards soil, springs and situation, from an examination of most of them, and of the lands adjacent, it is supposed that exclusive of improvements other lands of equal quantity and value, might be selected on the teers of sections belonging to the general government, should the legislature deem it advisable to authorize a correspondence with the commissioner of the General Land Office, on that subject.

Respectfully submitted,

D. BURR,  
JORDAN VIGUS.

*Indianapolis, January 28th, 1830.*

Which was read, and with the accompanying documents, referred to a select committee, composed of Messrs. Gregory, Ewing and Blair, to consider and report thereon.

The senate proceeded to consider their proposed amendments, to the engrossed bill of the house of representatives, entitled an act to regulate the militia of the state of Indiana;

*Ordered,* That the senate adhere to their proposed amendment to said bill, and that the house of representatives be informed thereof.

The engrossed bill of the house of representatives, to change a part of the state road therein named;

Was read a first, second and third time, by common consent, and passed, as amended.

*Ordered,* That the house of representatives be informed thereof, and concurrence in the amendments requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill from the senate, entitled,

An act to amend an act to organize probate courts and defining the powers and duties of executors and administrators; approved, January 23, 1829; with amendments;

In which I am directed to ask the concurrence of the senate.

The senate proceeded to consider the amendments, mad



by the house of representatives, to the bill of the senate, last reported as having passed that house, and the same being read were concurred in.

*Ordered*, That the house of representatives be informed thereof.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed joint resolution relative to the Wabash and Erie canal lands.

In which I am directed to ask the concurrence of the senate.

The engrossed joint resolution last reported from the house of representatives, for concurrence;

Was read a first time, and passed to a second reading.

Said bill was then read a second time by common consent; when,

Mr. Gregory moved to amend the same by striking it out from the resolving clause.

And previous to taking any question thereon;

*Ordered*, That it lie on the table.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act to extend a certain act therein named to the county of Warren;

An act relative to the St. Mary's;

An act making an appropriation for the improvement of the state road from Indianapolis to Madison;

An act for the relief of the securities of Samuel Postlewait, late collector of Dubois county;

An act to establish a state road from the Jeffersonville state road, (on the west side of Silver creek,) to the lower falls of the Drift-wood fork of White river; and

An act to amend the act entitled an an act incorporating congressional townships, and providing for public schools therein;

An act authorising the leasing of French Lick reservation, in Orange county;

An act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace; and,

A joint resolution relative to a certain number of the acts of 1824;

An act regulating medical societies; and.

An act authorising the leasing of Jacksons' Lick, in Monroe county.

And find the same truly enrolled.

On motion by Mr. McKinney,

The senate reconsidered their vote, postponing indefinitely the engrossed bill of the house of representatives, entitled, an act for the benefit of the inhabitants of certain townships therein named; when,

Mr. Robb moved to amend the same by inserting after the word "west," the words, "in the second principal meridian;"

Which amendment was adopted;

The bill as amended, was then read a third time.

*Resolved*, That this bill pass.

On motion by Mr. Daniel,

*Ordered*, That it be entitled,

An act for the benefit of the inhabitants of certain townships in Gibson county.

*Ordered*, That the house of representatives be informed thereof, and concurrence in said amendments requested.

On motion by Mr. Morgan,

The resolution offered by him on the inst., and which was then laid on the table, was now taken up and read, in the following words, to wit:

*Resolved*, That the senate will adjourn *sine die* on Saturday the 30th instant, the house of representatives concurring thereto.

*Ordered*, That it be adopted, and that the house of representatives be informed thereof.

The engrossed bill of the house of representatives to change a part of the state road therein named;

Was read a first and second time, by common consent.

*Ordered*, That it lie on the table.

And the Senate adjourned.

Two o'clock, P. M.

The Senate assembled.

Mr. Depauw on leave being granted, introduced a bill supplemental to an act of the present general assembly, entitled,

An act regulating estrays and water crafts going adrift;

Which was read a first time, and passed to a second reading.

Said bill was then read a second time, by common consent.

And postponed indefinitely.

Mr. Robb moved to reconsider the vote on rejecting the engrossed bill from the house of representatives for the relief of the subscribers for building the state prison.

And on the question will the senate reconsider said vote?

It was determined in the negative—ayes 5, noes 12.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Daniel, Depauw, Givens, Lemon, Robb.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Ewing, Fletcher, Gregory, Linton, Maxwell, M'Kinney, Morgan, Sering, Stevens, Watts.

The following message was received from the governor by Mr. Sharpe, his private secretary:

MR. PRESIDENT:

I am requested by his excellency the governor, to inform the senate, that he did on this day approve and sign,

An act declaratory of the law on the subject of divorces;

An act relative to navigable streams declared public highways by the ordinance of congress, of 1787, approved, January 23, 1829;

An act, supplemental to an act, entitled an act providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes; and,

An act to incorporate a company to make a turnpike road from New Albany, in Floyd county by Greenville, Paoli, Mount Pleasant and Washington to Vincennes, in Knox county;

All of which originated in the senate.

On motion by Mr. Stevens,

The senate, according to order, resolved itself into committee of the whole, on the engrossed bill from the house of representatives, making specific appropriations for the year 1830; Mr. Daniel in the chair, when, after some time spent thereon, the committee rose, the president resumed the chair, and the chairman reported the bill with amendments;

Which were read and concurred in generally, except the first amendment, which is by striking out the sum of eighty-five dollars, to Jeremiah Sullivan, for expenses incurred while in the service of the state as commissioner, to treat with Ohio.

And on the question, will the senate concur in said amendment.

Which was determined in the affirmative—ayes 15, noes 6.  
The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Givens, Graham, Gregory, Lemon, Linton, Lomax, M'Kinney, Morgan, Orr, Robb, Watts.

*Those who voted in the negative, were,*

Messrs. Blair, Fletcher, Maxwell, Sering, Stevens, Worth.

And the 13th amendment to said bill, which is in the following words, to wit: That the door-keepers of the senate and house of representatives, be each allowed two dollars and twenty-five cents per day for their services.

And on the question, will the senate concur in said amendment?

The ayes and noes being requested by two senators,  
It was determined in the affirmative—ayes 10, noes 9.

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Depauw, Givens, Graham, Linton, Lomax, Morgan, Orr, Robb.

*Those who voted in the negative, were,*

Messrs. Daniel, Fletcher, Gregory, Lemon, M'Kinney, Sering, Stevens, Watts, Worth.

Said amendments were ordered to be engrossed, and with the bill read a third time.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has agreed to all the amendments proposed by the senate to bills of the house of the following titles, viz:

And act making an appropriation for the improvement of the state road from Indianapolis to Madison;

An act relative to the mill improvement of Lewis H. Davis, on the St. Marys river;

An act for the relief of the securities of Samuel Postlewait, late collector of Dubois county;

They adhere to their disagreement to the amendments proposed by the senate to the engrossed bill of the house, entitled, An act to regulate the militia of the state of Indiana.

They have passed an engrossed bill, entitled,

An act to change a part of the state road therein named.

In which I am directed to ask the concurrence of the senate.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has agreed to the amendments proposed by the senate to the engrossed bills of the house, entitled as follows,

An act regulating medical societies; and,

An act for the benefit of the inhabitants of a certain township therein named.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

I am instructed by the house of representatives, to inform the senate, that the house of representatives have passed an engrossed bill of the senate, entitled,

An act to amend an act entitled an act to authorise the sale of the school lands, and for other purposes, approved, January 23d, 1829;

With one amendment, in which the concurrence of the senate is requested.

The senate proceeded to consider the amendments proposed by the house of representatives, to the engrossed bill from the senate entitled an act to amend an act providing for the sale of school lands.

Which amendments being considered were agreed to.

Ordered, That the house of representatives be informed thereof.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill, entitled;

An act to organize the militia of the counties of Hancock, Delaware, Randolph and Warren:

In which I am directed to ask the concurrence of the senate.

The engrossed bill from the house of representatives entitled:

An act to organize the militia of the counties of Hancock, Delaware, Randolph and Warren;

Was read a first time and passed to a second reading.

Said bill was by common consent read a second time and passed to a third reading.

The bill was then read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed joint resolution to promote common schools in this state; and

A memorial of the general assembly of the state of Indiana, on the subject of the stoppage of the United States mail, on the first day of the week commonly called Sunday;

In which I am directed to ask the concurrence of the senate.

The engrossed joint resolution from the house of representatives to promote common schools;

Was read a first time and rejected.

The memorial of the general assembly of the state of Indiana on the subject of the stoppage of the United States mail, on the first day of the week commonly called Sunday, was read a first time and passed to a second reading:

Said memorial was by common consent read a second time, when;

Mr. Morgan moved to strike out said memorial from the enacting clause;

Which motion was determined in the negative—ayes 3, noes 16.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Morgan, Sering, Stevens.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, M'Kinney, Orr, Robb, Watts, Worth.

Mr. Stevens moved to indefinitely postpone said memorial;  
Which motion was determined in the negative—ayes 9, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Ewing, Graham, Linton, M'Kinney, Morgan, Orr, Sering, Stevens.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Depauw, Fletcher, Givens, Gregory, Lemon, Lomax, Robb, Watts, Worth.

Mr. Ewing moved to amend said memorial as follows to wit:

*“Provided however,* That nothing herein contained shall be received or taken as entitled to any greater respect or validity than the mere expression of individual opinions on the part of its supporters, in this general assembly;

Which amendment was determined in the negative—ayes 6, noes 15.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Ewing, Graham, Maxwell, Morgan, Sering, Stevens.

*Those who voted in the negative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Givens, Gregory, Lemon, Linton, Lomax, M'Kinney, Orr, Robb, Watts, Worth.

Said resolution was then laid on the table.

Mr. M'Kinney, from the military committee, reported:

The committee on military affairs, to whom was referred a communication of the governor, of the 12th inst. and certain documents, relative to the distribution of public arms, report, that the information thus received is entirely satisfactory, and

recommend that the letter of the Quarter Master General, and the communication of the governor be placed on the journal of the senate.

OFFICE OF THE QUARTER MASTER GENERAL, }  
January 12, 1830 }

The Quarter Master General submits to the governor an abstract of the records of this office, the same being the only information, in his power to give, touching the quantity of public arms, in the state, and the manner of their distribution.—Previous to the year 1826, it is believed no record was kept either of the amount of public arms or the manner of distribution thereof—consequently this office affords no evidence upon either of those points, prior to the 16th of May, 1826, except the returns of Major Generals commanding the 1, 3, 4, 5 & 6 Divisions, and of the returns of the Major General commanding the 3d division, professes only a return of the amount of public arms in one of the two brigades composing that division, and the return of the Major General commanding the 4th division is also imperfect in the same extent. The brigades from which the said commandants of division state no returns have been received on the 13th and 7th. The returns of commandants of division here alluded to, were made under an order issuing from this office, in obedience to law, on the 22d May, 1827. Those returns develop the following facts, to wit: That on the 12th November, 1827, there were in the 5th division public arms as follows, viz: 5 six lb. field pieces—3 travelling carriages—3 lumber and ammunition boxes—5 trail handspikes—4 rammers—3 sponges and caps—4 ladles and worms—3 tompeons—5 implement straps—4 water-buckets—20 bricols and ropes—3 sentstocks—3 tin tube boxes—3 tin port fire cases—3 artillery powder horns—210 muskets and bayonets—120 cartridge boxes—140 sabres and belts—173 pistols—40 yeagers, pouches, and powder horns.

That on the 18th November, 1827, there were in the first division arms as follows: 118 muskets, 99 bayonets and belts, 95 cartridge boxes.

That on the 27th October, 1827, there were in the 6th brigade composing a part of the 3d division, public arms as follows, viz: 1 six pounder, 143 muskets and bayonets, 144 belts, 94 steel rods, 140 cartridge boxes, 26 swords, 120 rifles, 120 belts, 120 powder horns and pouches.

That on the 31st December, 1828, there were in the 6th division, public arms, viz: 48 muskets, 84 sabres and belts, 80 horse-man's pistols.



That on the 2d December, 1828, there were in the 4th division, arms, viz: 105 sabres, 105 pistols, 32 bayonets.

The records of this office furnish evidence that public arms have been distributed under the orders of your excellency, on and since the 16th May, 1826, as follows:

May 16th, 1826—To capt. William S. Russell, commanding a company of Cavalry, in the 6th brigade, 150 horseman's pistols, 75 cavalry sabres, belts and plates.

To capt. Samuel Starkweather, commanding a rifle company in the 22d regiment, on the 29th June, 1826, 40 rifles, wipers and chargers, 20 bullet moulds and screw drivers, 2 ball screws and spring vises, 100 pouches and horns.

No document in this office discloses the division or brigade within which these last named public arms have been distributed. It is believed to be the 8th brigade and 2d division.

June 29th, 1826—To capt John W. Lee, commanding a cavalry company in the 20th regiment, 7th division, 15th brigade, 150 horseman's pistols, 50 sabers, belts and plates.

June 29th, 1826, To gen. James P. Drake, commanding the 12th brigade, 60 muskets, 1 screw driver and wipers, 6 spring vises, and ball screws, 20 extra flint caps, 60 cartouch boxes, and belts, 60 bayonet scabbards and belts, 60 breast plates.

May 16th, 1827—To capt. Bethuel F. Morris, commanding the artillery company, in the 40th regiment, 17th brigade 7th division, 1 six lb. cannon, with travelling carriage and accutments, complete, 50 artillery swords and belts.

Requisitions have been made upon the ordinance department, as follows:

June 17th, 1828—In favor of capt. John Martin, of the 22d Regiment, for 1 bugle horn.

Same date—In favor of col. Jno. Spencer, commanding the 55th regiment, (presumed to be in the 10 brigade and 5th division) for 45 sabers, scabbards, belts and clasps, 45 pistols, the receipt of which he has acknowledged, and for arms and equipments for a company of infantry, 30 strong, the receipt of which he has not as yet acknowledged.

January 24th, 1829—In favor of the commandant of the 33d regiment, for 51 muskets, the receipt of which has not been acknowledged.

June 23d, 1829—In favor of capt. E. H. McJunkin, of the regiment brigade and division, for 40 stand of infantry arms, the receipt of which has not been acknowledged.

Same date, in favor of capt. Scott, of the 55th regiment, (presumed to be within the 10th brigade and 5th division).

ion,) for 20 muskets, 20 swords with belts and other apparatus complete, the receipt whereof, has not been acknowledged.

Same date, In favor of John Spencer, col. commanding the 55th regiment (10 brigade and 5th division presumed) for 1 piece of artillery, then in possession of gen. M. Stapp, of Madison, the receipt of which has not been acknowledged.

What part of the arms reported by major generals, as above have been distributed since the 16th May, 1826, this office furnishes no date from which to determine.

Respectfully submitted,

W. QUARLES, Q. M. G.

[N. B. The Governor's note covering the above communication of the Quarter Master General, which is an answer to a resolution of the legislature, calling for the information it contains, is not found amongst the papers made a part of the journal.]

The engrossed bill from the house of representatives, entitled an act making specific appropriations for the year 1830, was with the amendments, read a third time.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and their concurrence requested.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives agree to all the amendments proposed by the senate, to the engrossed bill of the house, entitled,

An act making specific appropriations for the year 1830; except the thirteenth and fourteenth amendments proposed by the senate thereto, to which the house disagree.

The house also agree to the amendments proposed by the senate, to engrossed bills of the house, entitled,

And act supplemental to an act to relocate the seat of justice, of Dubois county; and,

An act to establish a certain state road therein named;

The latter with one amendment.

The engrossed bill from the house of representatives, regulating of officers and officers fees, in the county of Monroe;

Was read a second time and passed to a third reading.

Said bill was then read a third time.

And on the question, shall this bill pass?

It was determined in the negative—ayes 9, noes 11.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Maxwell, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Ewing, Fletcher, Givens, Graham, Lemon, Linton, Lomax, M'Kinney, Orr, Robb.

The engrossed bill of the house of representatives, entitled an act to establish a state read therein named;

Was read a third time as amended.

*Resolved*, That this bill pass.

*Ordered*, That the house of representatives be informed thereof, and concurrence requested.

Sundry enrolled bills were brought up from the house of representatives which having been signed by their Speaker, were signed by the president of the senate, and handed over to the committee on enrolled bills, to be presented to the governor for his approval and signature.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

I am instructed by the house of representatives, to inform the senate, that they have passed the following engrossed joint resolution, to wit:

A joint resolution of the general assembly, relative to the eminent domain within the state of Indiana;

The engrossed joint resolution from the general assembly from the house of representatives;

Was read a first time, and laid on the table.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives disagree to the thirteenth and fourteenth amendments proposed by the senate to the engrossed bill from the house of representatives, entitled, an act making specific appropriations for the year 1830.

The senate proceeded to consider the disagreement of the house, to the proposed amendments of the senate, to the engrossed bill from the house of representatives, entitled,

An act making specific appropriations for the year 1830.

And on the question, will the senate insist on their disagreement to the fourteenth amendment of said bill?

It was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Daniel, Depauw, Ewing, Fletcher, Gregory, Lemon, Linton, Lomax, Maxwell, M'Kinney, Orr, Sering, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Givens, Graham, Lomax, Morgan, Robb.

And on the question, will the senate recede from their thirteenth amendment to said bill?

It was determined in affirmative.

*Ordered,* That the house of representatives be informed thereof.

Mr. Lemon moved to take up the engrossed memorial from the house of representatives, laid on the table, entitled,

A memorial of the general assembly of the state of Indiana, on the subject of the stoppage of the United States mail, on the first day of the week, commonly called Sunday.

Which motion was determined in the affirmative—ayes 12, noes 8.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Claypool, Daniel, Depauw, Fletcher, Givens, Gregory, Lemon, Lomax, M'Kinney, Robb, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Blair, Ewing, Graham, Linton, Maxwell, Orr, Sering, Stevens.

Mr. Ewing moved to lay said memorial on the table.

Which was determined in the negative.

And on the question, shall the memorial pass to a third reading?

It was determined in the affirmative.

Said memorial was then read a third time and passed—ayes 18, noes 3.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Ewing, Fletcher, Givens, Graham, Gregory, Lemon, Linton, Lomax, Maxwell, M'Kinney, Orr, Robb, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Morgan, Sering, Stevens.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives recede from their disagreement to the thirteenth amendment, proposed by the senate, to the engrossed bill from the house, entitled,

An act making specific appropriations for the year 1830.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives concur in the amendment proposed by the senate, to the engrossed bill of the house, entitled,

An act to organize the militia of the counties of Hancock, Delaware, Randolph and Warren.

The house has also agreed to the amendment proposed by the senate, to the amendment proposed by the house to the engrossed bill of the senate, entitled,

An act to amend the act to authorize the sale of the school lands, and for other purposes, approved, January 23, 1829.

The following message was received from the house of representatives by Mr. Sheets, their assistant clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill, entitled

An act to provide for the erection of a state house, in the town of Indianapolis, and for other purposes;

In which the concurrence of the senate is requested.

The engrossed bill from the house of representatives, entitled,

An act for the erection of a state house in the town of Indianapolis, and for other purposes;

Was read a first time, and passed to a second reading.

Said bill was by common consent read a second time; when, Mr. Gregory moved to indefinitely postpone said bill.

Which motion was decided in the affirmative—ayes 16, noes 5.

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Depauw, Ewing, Givens, Graham, Gregory, Linton, Lomax, Maxwell, M'Kinney, Morgan, Orr, Robb, Stevens, Watts, Worth.

*Those who voted in the negative, were,*

Messrs. Claypool, Daniel, Fletcher, Lemon, Sering.

Mr. Fletcher, from the joint committee on enrolled bills, report that they did on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to amend an act entitled an act incorporating congressional townships, and providing for public schools therein;

An act authorising the leasing of Jacksons' Lick, in Monroe county.

An act regulating medical societies;

An act making an appropriation for the improvement of the state road from Indianapolis to Madison;

An act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace;

A joint resolution relative to a certain number of the acts of 1824;

An act relative to the river St. Mary's;

An act to extend a certain act therein named to the county of Warren;

An act for the relief of the securities of Samuel Postlewait, late collector of Dubois county;

An act authorising the leasing of French Lick reservation, in Orange county;

An act to establish a state road from the Jeffersonville state road, (on the west side of Silver creek,) to the lower falls of the Drift-wood fork of White river.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act for the benefit of the inhabitants of certain townships in Gibson county; and,

An act authorising the distribution of the laws and journals and for other purposes.

And find the same truly enrolled.

Mr. Worth moved for adoption, the following resolution:

*Resolved*, That the secretary of state be requested to lay before the senate, an act, entitled,

An act to provide for opening of part of the Michigan road, and the objections made by the governor against approving of the same.

Mr Fletcher moved to amend said resolution, by substituting the following in lieu thereof. to wit:

*Resolved*, That the senate request the secretary of state to lay before the senate a copy of the remarks of the governor, attached to the act, entitled,

An act for opening a part of the Michigan road;

Which motion prevailed.

And the said resolution as amended, was adopted.

And the senate adjourned until 7 o'clock this evening.

7 o'clock, P. M.

The Senate assembled.

Mr. Gregory moved to take up the engrossed joint resolution from the house of representatives relative to the domain; which had been laid on the table.

On the question, shall the said resolution be taken up, it was decided in the negative.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has passed an engrossed bill entitled,

An act providing for the election of constables,

In which I am directed to ask the concurrence of the senate.

The engrossed bill from the house of representatives, providing for the election of constables, was taken up and read the first time, when

Mr. Worth moved to reject said bill, which motion prevailed.

The following communication was received from the secretary of state:

HON. MILTON STAPP,

*President of the Senate.*

In obedience to a resolution of the senate this day adopted, I subjoin a copy of the *adenda*, to the approval of the "act providing for the opening of the Michigan road."

*Indianapolis, Ind. Jan. 29, 1830.*

"There are parts of this bill which my mind cannot sanction. The commissioner named in it I believe to be unworthy. If it had come into my hands at an earlier period of the session, it should have become a law, if at all, without my signature; but finding that the legislature is ready to adjourn without permitting it to remain in my hands five days, I cannot consent to the sacrifice of money it must occasion to retain it. Therefore I must yield to the necessity of settling the Michigan road question, so necessary to the public quiet and interest, even at the sacrifice of my opinions."

Signed

"JAMES B. RAY."

Respectfully submitted,

JAMES MORRISON.

*Office of Secretary of State, Jan. 29, 1830.*

Mr. Linton submitted for consideration the following resolution:

*Resolved*, That in the opinion of the senate, the power of the executive over bills, which pass both branches of the general assembly, does not extend to scribbling individual abuse upon them; and that the indulgence of such propensity in the case of the bill for opening the Michigan road, is not only an uncourteous reflection upon the discrimination of the legislature, but a manifestation of spleen unauthorized by the constitution, or official propriety:



Which was read; and

On the question, shall it be adopted?

The ayes and noes being requested by two senators,

*Those who voted in the affirmative, were,*

Messrs. Blair, Claypool, Daniel, Depauw, Fletcher, Graham, Givens, Gregory, Linton, Maxwell, Orr, Sering, Worth.  
—13.

*Those who voted in the negative, were,*

Messrs. Ewing, Lemon, Lomax, M'Kinney, Robb—5.

And the said resolution was adopted.

Mr. Ewing entered the following protest against the adoption of the said resolution; to wit:

The undersigned protests against the legislative character, and evident tendency of the resolution this moment adopted: he believes that Governor Ray, under the constitutional guidance of an observant discretion, is not justly adjudged; and that whatever may be the foundation of the remarks affixed by him to the approval of the bill alluded to, this house has no right to pronounce upon their validity, or propriety, without a full investigation, and that a decision, without such investigation, should not effect public opinion, in reference to the subject matter, in any particular whatever. The undersigned has always believed, that the general good, requires that distinctive feelings of every description should be laid aside, as beneath the high purposes for which this body are assembled; and he thinks that the odium attempted to be cast at our chief magistrate, is unbecoming this body; and unjust in this case, inasmuch as he had a right to make the remarks in question, if he deemed it proper to do so. The remarks seem to involve a fatal objection to an individual, appointed to an important trust, and the enactments of the law are not otherwise objected to; indeed the merit of the law is made an offset to the alleged demerit of the individual mentioned, and the bill became a law upon that ground. The undersigned conceives the resolution adopted, is to have rather a latent bearing: and to be altogether unwarranted—He thinks it interferes improperly, with the legitimate power of the executive department, and he knows it has been adopted without a full knowledge of the matter involved. Under these impressions the undersigned views the whole proceeding as uncalled for, by any act of the Governor, and calculated only, to give colour, or character to

a performance of duty, which if properly inquired into, might present a very different aspect.

JOHN EWING.

Mr. Maxwell, from the joint committee on enrolled bills now reported that they have compared the enrolled with the engrossed bills, entitled acts, to wit:

An act to amend an act entitled an act to authorize the sale of the school lands, and for other purposes, approved January 23d, 1829: and

An act to amend an act to organize Probate courts, and defining the powers and duties of executors and administrators, approved, January 23d, 1829.

And find the same truly enrolled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives recede from their disagreement to the 14th amendment, proposed by the senate to the engrossed bill of the house, entitled

An act making specific appropriations for the year 1830;

The house of representatives adhere to their disagreement to the amendment proposed by the senate to the engrossed bill of the house, entitled;

An act to establish a state road therein named;

Mr. Daniel moved to reconsider the vote taken to adhere to the amendments made by the senate to the engrossed bill from the house of representatives to establish a certain state road therein named.

On the question, will the senate reconsider the said vote?

It was determined in the affirmative

Mr. Daniel then moved that the senate recede from their amendment;

Which was decided in the affirmative.

Ordered, That the secretary inform the house of representatives.

Mr. Gregory moved to reconsider the vote taken on the rejection of the engrossed bill from the house of representatives, providing for the election of constables;

And on the question, will the senate reconsider the said vote?

It was determined in the affirmative.

And the said bill was read the second time; when,  
Mr. Gregory moved so to amend the bill, that its application  
shall be confined to Wayne county;

Which was decided in the affirmative.

And the bill was so amended and read the third time by  
common consent.

And on the question, shall this bill pass?

It was decided in the affirmative.

*Ordered*, That the house of representatives be informed  
thereof and concurrence requested.

The following message was received from the house of rep-  
resentatives by Mr. Lanier their clerk.

MR. PRESIDENT:

The house of representatives agree to the amendments pro-  
posed by the senate to the engrossed bill of the house, entitled:  
An act providing for the election of constables.

Mr. Fletcher, from the joint committee on enrolled bills, re-  
ported, that they did on this day, present to the governor for his  
approval and signature, the following enrolled bills entitled  
acts, to wit:

An act supplemental to an act to regulate the judicial cir-  
cuits and fixing the times of holding courts, passed at the pres-  
ent session.

An act to incorporate a company to make a turnpike road  
from New Albany in Floyd county, by Greenville, Paoli, Mount  
Pleasant and Washington, to Vincennes in Knox county.

An act supplemental to an act, entitled an act providing for  
the location, opening and improvement of certain state roads,  
passed at the present session of the general assembly, and for  
other purposes.

An act providing for the relocation of the county seat of  
Sullivan county.

An act to amend the act regulating estrays and water crafts  
going adrift.

An act relative to navigable streams declared public high-  
ways, by the ordinance of congress of 1787, approved, January  
23, 1829

An act declaratory of the law on the subject of divorces.

An act for the formation of a new county north of Marion  
and Hendricks counties.

And on motion the senate adjourned until to-morrow morn-  
ing at seven o'clock.

SATURDAY, JANUARY 30, 1830.

The Senate assembled.

Mr. Maxwell, from the joint committee on enrolled bills, now reported, that they have compared the enrolled with the engrossed bills, entitled acts, to wit:

An act to organize the militia of Hancock, Delaware, Randolph and Warren counties;

An act supplemental to an act entitled an act to relocate the seat of justice of Dubois county, approved, January 21, 1830;

An act regulating medical societies;

An act for the benefit of the inhabitants of a certain township therein named;

An act making specific appropriations for the year 1830;

An act to establish a state road therein named; and,

An act providing for the election of constables;

And find the same truly enrolled.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has adopted the following resolution, to wit:

*Resolved*, That a committee be appointed to join such committee as may be appointed on the part of the senate, to wait on the Governor, and inform him, that the two houses have gone through their legislative business, and are now ready to adjourn without day, if he has no further communications to make to them, and that the senate be informed of the adoption of this resolution, and that the adoption of a similar one on their part be requested; that,

Messrs. Pennington and Read, have been appointed said committee on the part of the house.

Mr. Fletcher, from the joint committee on enrolled bills, reported, that they did on this day, presented to the governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act for the benefit of the inhabitants of a certain township, in Gibson county;

An act authorising the distributing of the laws and journals, and for other purposes;

An act to amend an act entitled an act to authorise the sale of the school lands, and for other purposes, approved, January 23, 1829;

An act to amend an act to organize probate courts and defining the powers and duties of executors and administrators, approved, January 23, 1829;

A memorial of the general assembly of the state of Indiana, on the subject of Sunday mails.

Mr. Fletcher, from the joint committee on enrolled bills, reported, that they did on this day present to the governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to organize the militia of Hancock, Delaware, Randolph and Warren counties;

An act supplemental to an act, entitled an act, to relocate the seat of justice, of Dubois county, approved, January 21, 1830;

An act to establish a certain state road therein named;

An act providing for the election of constables;

An act making specific appropriations for the year 1830:

The following message was received from his excellency the governor, by Mr. Sharpe, his private secretary:

MR. PRESIDENT:

I am requested by his Excellency the governor, to inform the senate that he did on this day, approve and sign,

An act to extend a certain act therein named to the county of Warren;

An act to amend an act, entitled an act, to authorize the sale of the school lands, and for other purposes, approved, January 23, 1829; and,

An act to amend an act to organize probate courts, and defining the powers and duties of executors and administrators, approved, January 23, 1829;

Which originated in the senate.

On motion by Mr. Ewing,

*Resolved*, That a committee be appointed to act with a similar committee, on the part of the house of representatives, to inform the Governor that the two houses of the general assembly, have gone through with their legislative business, and are ready to adjourn *sine die*: *Provided*, he has no further communication to make to them.

*Ordered*, That Messrs. Ewing and Robb be that committee. The President having retired—

Mr. Linton offered for consideration the following resolution, to wit:

*Resolved*, That the thanks of the senate be tendered to the

Hon. Milton Stapp, for his prompt, faithful and impartial discharge of the duties of presiding officer, during the present session of the general assembly; which,

Having been read, was adopted by unanimous consent.

The joint committee appointed to wait upon the Governor, to learn if he had any further communication to make to this general assembly, have performed that duty, and received for answer, that when all the bills be reported, he has no further communication to make.

The following message was received from the house of representatives, by Mr. Lanier, their clerk:

MR. PRESIDENT:

The house of representatives has adopted the following resolution, viz:

*Resolved*, That the senate be informed that the house of representatives, have gone through their legislative business, and are now ready to adjourn *sine die*, and that the adoption of a similar resolution on their part be requested.

*Resolved*, That the house of representatives be informed that the senate reciprocate their resolution upon the same, and adjournment, and that the senate are now ready to adjourn *sine die*.

And the Senate adjourned, *sine die*.

JAMES DILL,

*Secretary of the Senate.*

January 30, 1830.

See P-90 -

# APPENDIX---A.

---

## REPORT

OF THE

## CANAL COMMISSIONERS.

---

*To the Honorable, the General Assembly of the State of Indiana*

The Board of Commissioners of the Wabash and Miami Canal, respectfully report:

That on the 25th of May last, the Board was organized under the provisions of the act concerning the Wabash and Miami canal, approved, January 23d, 1829, by the Commissioners, entering into bonds, for the performance of their official duties; approved by the Governor of the state, and appointing David Burr, president of the board, and acting commissioner.

From the facts that the canal route, had been located mostly before the public lands, in which it is situated, had been surveyed into sections, that no plats of the route had been made at that time, either by the Commissioners or the Engineer department, except from the mouth of Little river, to Fort Wayne; that the route had been marked only by Bench marks, generally one mile distance from each other, and its intersections with the lines of the surveys of the public lands never ascertained by any admeasurement whatever, the Board were under the necessity of having the route surveyed and marked out, before plats could be made, which would have been safe to rely on in a division of the lands, or satisfactory to the general government. They therefore directed the acting commissioner to employ a surveyor and assistants, and survey the canal line and ascertain its intersections with the lines of the surveys of the public lands; which was done as soon as the completion of the surveys of the lands adjoining the canal line, enabled them to procure the maps and field notes necessary to effect that purpose; correct plats were then made out and forwarded to the Commissioner of the General Land Office.

The Board, on the 26th May last, addressed a letter to the Commissioner of the General Land Office, on the subject of selecting and setting apart the canal lands. His answer to the inquiries made, was received in July last, and enclosed an extract of a letter to Gov. Edwards, of Illinois, on the subject the canal lands in that state, which he suggested as the basis of an equitable division, to be pursued in regard to the canal lands in Indiana; stating also, that no positive opinion could be given, until the plats of the route were received. The proposition suggested, limited the share of the state, to alternate tiers of sections, running back five miles on each side of the canal line, and would have given for the share of the state, 520 sections, a quantity less than what the Commissioners supposed the state entitled to receive, under the provisions of the act of Congress, of March 2d, 1827.

After the plats were completed and a selection made of the first tier of sections for the state, a proposition was forwarded to the Commissioner of the General Land Office, to select the lands according to the following principles: To lay off a line at right angles to the general course of the route, five miles on each side of the terminating points. To connect the extreme points of these lines at right angles, by sides parallel to the courses and distances of the route. To consider the fractional sections on each side of the rivers as equal to entire sections. To make the selection by entire sections, in tiers of sections running North and South alternately, on the canal line, from one boundary line, to the other, and to avoid throwing the outside sections into unsalable portions, where they were intersected by boundary lines, to calculate the areas of the intercepted part, and in the division, when the included areas amounted to 320 acres, for the state to take the first entire section, and keeping an account of the excess or deficiencies, adjust the selection to an equal division, by taking or leaving the first entire section, intersected by the boundary lines in the tiers selected for the state, when the included quantity was more or less than a half section.

The Board supposing that the above mode of selecting the state lands, would meet the approbation of the Commissioner of the General Land Office, in conforming as nearly as practicable to the mode suggested in his communication of the 15th of June, and claiming for the state, a quantity of lands, equal to the amount only, which would have been received if the ceded tract had been surveyed into sections, with the outside section lines, five miles from, and parallel to the canal route made out maps of the canal grant, exhibiting the particular lands



selected for the share of the state; which had been forwarded to the Commissioner of the General Land Office, and submitted for his approval.

The manner of selecting the state lands, suggested by the Commissioner of the General Land Office, in his communication of the 15th of June last, was to select, in tiers of sections, and for the state to select the first or second tier which would determine the shares of both parties, to all the lands in the canal donation. The western termination of the canal route was located by Col. Moore, in sec. No. 9, township No. 24 N. range No. 3 W. But upon examination, to select the first section for the state, it was found that there was no perceptible difference in the depth in the Wabash river, between sections 9 and 10, and that the cost of constructing a basin in section 10, would be less than in section 9, and that if section 10 were selected for the state and the location of the route discontinued from that section, the state would own the section at the termination of the route, and would avoid selecting the 16th section, in all the townships situated within the limits of the canal grant.—The board therefore, changed the location, so as to terminate at the section line, between sections 9 and 10, and selected section No. 10 in township No. 24 N. range No. 3 W. for the first section for the state, and made the division accordingly, omitting all reservations, and lands sold by the general government.

After the selection of the state lands had been made, but before the maps exhibiting the selection had been forwarded, the board received a proposal from the commissioner of the General Land Office, to select the lands for the state in tiers of sections running north west and south east, diagonally across the surveys; which would make the division of the canal lands by alternate sections, north, south, east and west, and which if adopted would allot to the share of the state, the 16th sections in the canal grant.

This proposition has not been acceded to, and with their selection of the lands, the board have forwarded a reply stating their objections to a division being made by alternate sections, as making an equal division of the shares of each party, of the lands on the canal line, and lessening the value of the fractional sections on the rivers, by having the sections immediately north or south of them, owned by different parties, and offered for sale at different times and places; and that the board considering that the 16th sections had been previously appropriated for school purposes, did not come within the meaning of the act, granting the five alternate sections, to aid in con-

structing the canal—had made an alteration in the location of the route, to avoid selecting them for the state, and that if he considered the law imperative, in regard to the selections being made alternately north, south, east and west, or the reasons advanced insufficient to select by tiers of sections running north and south, to allow the board to reconsider the selection of section No. 10, and select section No. 9, the original location, as the first section for the state, and the one which would have been selected, if his intentions of having the division made by alternate sections, north, south, east and west had been previously understood.

From the liberal spirit manifested in the correspondence on the subject of the canal donation, by the commissioner of the General Land Office, the board feel assured, that the division, of the lands, made by them, and forwarded, will be satisfactory and receive his approval.

According to the division of the lands made by the board, the amount claimed for the state, under the provisions of the act of Congress, of March 2d, 1826, is 557 sections, including reservations and sold lands.

The amount of sold lands, falling to the share of the state, 11,478 acres, 78 hundredths.

The amount of lands reserved to individuals, made permanent by treaty, is supposed to be 14,690 acres.

The amount of lands located under the direction of the President of the United States, for certain individuals, on lands, which in the selection made, would otherwise have fallen to the share of the state, 3,360 acres.

The amount of lands, which would be disposable by the state, omitting sold lands and reservations, 234,143 acres.

The board have been informed, in their correspondence with the commissioner of the General Land Office, on this subject, that no power is vested in the executive of the United States, to authorize the selection of other lands, for those which have been sold by the general government, in the canal district, which would otherwise, have fallen to the share of the state; and, that further legislative proceedings by Congress, are necessary before such a selection can be made.

The amount of lands reserved to individuals, are considered by the board, to stand in a similar situation, and that it would be important to the interests of the state, to have the authority to make such a selection before the government lands, in the canal district, are sold; as it is believed, that it would be difficult to select an equal quantity of the same value, beyond the limits of the ceded tract.

The Indian Reservations, within five miles of the canal line, contain about 143 sections of land, which will belong to the state, after the Indian title has been extinguished. From their superior advantages of soil, the board are of opinion, that the interests of the state, would suffer in exchanging her claim to these lands, for an equal quantity of government lands, in any part of the state; and that as soon as the sales of the lands in the canal district, and the construction of the work draws through and around their settlements, a civilized population, the Indians will willingly sell their lands, and retire; and that as the construction of the canal, cannot be supposed to lessen their value, the interests of the general government, as well as of the state, will hasten the early extinguishment of their title.

From the progress made in the selection of the canal lands, it appears that the state will have, in a short time, (under any mode of division which may be adopted,) about 234,000 acres.

If these lands should be put in market, and sold for cash, before the commencement of the canal has enhanced their value, and before the state has given any assurance, that it will be constructed within a limited time, it is highly probable that the sums which they would command, would be too small, after having parted with the lands, for the state to construct the work without resorting to loans and taxation, which would be burthensome and oppressive.

With this belief, and that a sale is highly necessary, both to create a fund, and facilitate the settlement of the canal lands, for the production of the supplies of provisions which will be demanded in the progress of the work, the board are of opinion, that under existing circumstances, a sale of lands on credit, would be of more advantage to the state.

If the lands were divided from examination, into four classes rated from soil and situation, with minimum prices fixed, at one, two, three, and four dollars per acre, and offered for sale on credit, until ten years after the time of the first sale, payable one fifth part at the time of purchase, and the remainder in equal annual instalments, with interest annually in advance, the lands to revert to the state in cases of non-payment, the board are of opinion, that with provisions made to employ the funds, arising from the sales, in constructing the work, as soon as the cash on hand would prudently admit the different sections to be placed under contract, that in three years, the sales of the disposable lands, (the 234,000 acres,) would amount to \$468,000, and that the construction of the canal would place

the means of payment so much in the power of the purchasers, that forfeitures would not occur.

On the supposition, that these lands are offered for sale in September, 1830, and sold in equal quantities in each year, they would produce, including sales and interest, in cash:

In 1831,	\$38,688
" 1832,	87,907
" 1833,	77,080
" 1834,	58,953

---

\$232,628

And leave in notes, \$283,628, due to the state.

The cost of constructing the feeder and summit section between the St. Josephs and Wabash rivers, was estimated at \$187,814. If deemed advisable, by the legislature in the opinion of the board, this portion of the canal route might be put under contract, for excavation, in 1831, and rely on the proceeds of the sales, to meet the payments, to have it completed in 1834. Within that period, it is no violent presumption to believe, that the title of the Indian reservations will be extinguished. These lands constitute the best part of the canal grant, and before the time of their sale, enhanced as they will be, by the construction of the canal, and adjoining improvements, are estimated to sell readily for cash, for \$300,000, which, added to 460,000, the amount of land sales, and \$42,101, one half of the interest arising from the estimated sales, for the first six years, amounts to \$802,101; which, if applied directly to constructing the canal, would so far complete it that it would be easy to have the remainder finished on a pledge for its tolls, or at that time if it should be preferred, to have the work under the immediate control of the state, with her then increased wealth and population, she would have it completely in her power to provide the means to raise a loan sufficient to complete the unfinished portion, until the tolls would meet the interest, and discharge the debt, without any increase to the taxes which are now necessary for the ordinary expenditures of the state.

The employment by the state, of a competent practical engineer, will be necessary before any portion of the canal route can be put under contract, with safety to its interests. The lines surveyed, although sufficient to ascertain the practicability and cost of the present location, are too limited to determine the exact position where economy will require them to be placed.

Accompanying this report, is the Memoir of Colonel Starr:

bury, (United States' Civil Engineer,) giving an account of the continuation of the canal route, from the state line, through Ohio, to the foot of the rapids on the Maumee.

Herewith is presented an account of the expenditures of the current year, marked (A).—It will be seen that the expenditures exceed the amount of the last years appropriation to a considerable amount. It is hoped, however, that your honorable body, when apprised of the additional labors necessarily performed to those contemplated in the act of the last general assembly, will be satisfied that no expense has been incurred by the board to the state, not necessary, in a correct discharge of the duties enjoined upon them. But conscious, had they pursued a course at variance with the one adopted by them, the object of the last general assembly would have been defeated.

The whole, is therefore, respectfully submitted for your consideration.

DAVID BURR,  
SAMUEL HANNA,  
JORDAN VIGUS.

Indianapolis, December 15, 1829.

## MEMOIR.

In obedience to instructions from the Engineer Department for the further prosecution of surveys for canals in the state of Indiana, operations were commenced on the first of July last. The line was resumed at the point where it had been suspended, the season previous, on the south side of the Maumee river and continued on the same side of that stream to a Bench mark, a short distance above the village of Defiance situate at the mouth of the Anglaizé river, where it crosses by an aqueduct.

The line after crossing the river, was continued as far as Bad creek, when owing to the approach of the sickly season, the brigade was disbanded with the exception of one assistant, and the interval employed as far as general ill health would admit in preparing returns to the department.

On the 22d of September following, the brigade was reorganized, and proceeded to the head of the rapids, where as the Department is already aware, Asa Moore Esq. the Engineer, intrusted with the execution of the surveys breathed his last. With the seeds of the disease incident to the climate in his system, having the worst consequences to fear from ex-

posure, and with a perfect knowledge of the danger to be incurred, such was nevertheless his zeal and anxiety to discharge his duty, that all considerations of a personal character vanished before it. However rash and imprudent the step may have been, yet the motive was such as must ever reflect the highest honor on his memory. In him, the department has lost an able, faithful and honest servant, and society, a valuable member.

In consequence of this disastrous occurrence, the brigade was again disbanded and so continued until instructions were received from the department for the completion of the survey which was resumed and finished accordingly. It comprises the whole of the eastern section of the canal.

As soon after the completion of this work as practicable, a line "to ascertain the practicability of uniting by a canal, the waters of the St. Marys, St. Josephs and Wabash rivers with the Ohio, through the valley of the White Water, was commenced and prosecuted for nearly thirty miles, when owing to the extreme inclemency of the weather, the brigade closed its labors for the season, about the middle of January last. A reference to the profile and field notes of this second line, run for the same purpose, will it is believed, fully justify the opinion that the route in question may justly be pronounced impracticable.

## ERIE AND WABASH CANAL.

### EASTERN SECTION.

*Subdivision 1st.* This subdivision extends on the south side of the Maumee, from Bench mark, No. 22, on the line, dividing the states of Ohio and Indiana, a distance of 27 miles, 995 yards to a Bench mark, 1 mile, 773 yards above the village of Defiance, where it is terminated by an aqueduct, 315 feet in length having a descent of 56 feet by seven locks. The excavation will, for the most part be easy, the line running principally through a rich, alluvial soil. In some instances, heavy embankments will be required, to cross wide and deep ravines, which however, do not discharge water sufficient to render aqueducts necessary. This portion of the canal, will have to depend entirely upon the Maumee river, for a supply of water, which can easily be commanded by a dam. As it is highly probable that this dam will have to be erected above, for the supply of a part of the eastern portion of the middle section, no estimate for one upon this subdivision, has been made. The estimated expense for this part of the line, amounts to \$273.

*Subdivision 2d.* From the crossing of the Maumee to the head of the rapids, length, 33 miles 19 yards. Descent, 32 feet, by 4 locks.

The ground on this and the succeeding subdivision, differs in character from that of the preceding. Instead of a flat alluvial level, extending back from the river as in the former, we here frequently find a succession of bluffs, rising one above the other, and confining the scene of operations within narrower bounds. The line for the most part, follows the bluff of the river.

The excavation on this part of the route, will be more expensive, the ground consisting principally of sand and clay; here and there, intermixed with gravel. Two aqueducts will be required upon this subdivision. One across Turkey foot creek, and the other across Bad creek; these, together with steep side cutting and a considerable quantity of walling, swell the estimate for the subdivision. Stone of a good quality can be obtained from the bed of the river for both these purposes.

This and the succeeding subdivision, have to depend, like the first, for their supply of water, upon the Maumee alone, and an estimate for two dams to effect this object, has accordingly been made. The waters of Tiffins' river, or Bean creek, a smaller stream, discharging into the Maumee a short distance above the crossing, can also be rendered available by a short feeder. Both streams were gauged on the 16th of July last, and were found to discharge, the Maumee 103. 30 cubic feet, and Tiffins' river 6. 18 feet per second. This quantity will however, be much reduced, by the use made of the St. Josephs' river, as a feeder for the middle section of the canal; this stream being much the largest source of the Maumee itself. This consideration cannot fail to impress upon the mind of the Engineer, to whom the construction of the work may be committed, the absolute necessity of the utmost economy in the use of the water. Should it be deemed necessary to construct reservoirs, for the preservation of water during the dry season, several excellent sites are to be found upon the whole of this section.

*Subdivision 3d.* From the head of the rapids to the termination of the line at the village of Maumee, distance, 17 miles, 166 yards. Descent, 80 feet by ten locks. This subdivision differs in some points of view from the preceding one. Owing to the vicinity of some of the head branches of Swan creek, a tributary of the Maumee, the ground especially, near its commencement, resembles in its flat and level character, that of

subdivision 1st. From the rapid descent of the river, more locks are rendered necessary on this subdivision than on either of the others. Limestone, however, of the best quality, both for building and making lime, can be obtained in the greatest abundance, from the bed of the river and quarries in the neighborhood. The excavation resembles in its character, that of the latter part of subdivision 2d.

Three points of termination for the canal, here present themselves to view. One at Lawrenceport, a village situated at the mouth of Swan creek, about 18 miles below the village of Maumec; another at a point, two miles below this latter village, and a third at the village itself. It has been represented by many respectable inhabitants of that country, that one of the principal branches of Swan creek, which heads near the beginning of this subdivision, affords the least expensive route for the canal, pursuing a straight course nearly its whole length through open woods and barrens, unobstructed by ravines. It was further urged, that obstructions existed in the Maumee river between this and both of the other points, and that it would conduce more to the general interests of the country at large, that the canal should terminate at that place, it being considered the undoubted head of the Lake navigation. But from information obtained from various sources, it was not thought that this latter objection was sufficiently substantiated to warrant the extension of the examinations this distance. The consideration also, that this village is situated in the territory of Michigan, caused it to be deemed improbable that the States of Ohio and Indiana, would consent to construct so great a work, when the benefit to be derived from its principal termination was to be reaped by another. These are the reasons which caused this point to be rejected.

It remains that the reasons which influenced the termination of the line at the village of Maumec, in preference to the point two miles below, should be stated. The arguments which appear most obvious in favor of the latter, are briefly these. It is a well ascertained fact, that the waters of Lake Erie, are subject to periodical rises and falls, and that these produce a corresponding effect upon the river. The line, as run the past season, terminated at the surface of the water, at that time affected by the rise of the Lake. It is also a well ascertained fact, that the river at Maumee, is materially influenced by the prevalence of an easterly or westerly wind, the one causing it to rise, and the other to fall, from two and a half to three feet in a few hours. It is also admitted, that there are two bars in the channel of the river, a short distance below,



presenting serious obstacles to its navigation during the low stages of the water.

This channel was examined at a time, when it was not deemed likely to be influenced by either of the prevailing winds and it is not believed, that when the Lake is on the decline and during the prevalence of a westerly wind, a sufficiency of water will be found upon these bars to allow the passage of vessels, navigating the lake, except those of the smallest class, to the upper, that can, at that time, find water sufficient, at the lower point. Below these obstructions, however, the water is of sufficient depth to admit vessels of a much larger size.

The line terminates at a point just where a steep bluff comes to the waters' edge, whence the channel, confined by a large island, continues close to its foot all the way down to the lower point. It was thought best, after mature deliberation to terminate the line at the upper point, and to suggest two modes for remedying the difficulties in the navigation below. One is to remove the obstructions on the bars, and the other to construct a tow path along the river bank, the necessary distance. The first can be effected at an expence not to exceed \$1,500, the obstacles consisting principally of detached masses of rocks. The other can be done at the ordinary price of simple excavation and embankment.

Either of these modes, it is believed, will obviate the necessity of continuing the canal any farther, without detriment to the interests of the country. The canal terminates by a basin and guard lock, part of the excavation for which, will be through limestone rock, furnishing a safe, secure and solid foundation.

It may be proper here, to remark, that in the estimates for this section, the prices for similar work upon the Ohio canal, has been followed as nearly as possible. The great body of water and ice, that descend the river in the spring, will require that the aqueduct and dams across it, should be constructed in the best manner, and of the most solid materials.

In closing this communication, I cannot but acknowledge the able and faithful assistance I have received in the preparation of this report, from Mr. George Smith, a gentleman who has for some time, engaged in this branch of science, with equal credit to himself and benefit to the department. His talents and industry entitle him to the highest praise my feeble pen can award.

Respectfully submitted,

HOWARD STANSBURY,

*Acting asst Civ. Engineer.*

Eastern section. First Subdivision, from the Ohio State line to the crossing of the Maumee above Defiance.

EXCAVATION.					EMBANKMENT.			LOCKS.		SUNDRIES.		CULVERTS.		TOTAL.
Length of portion.	Distance on Sub-division	Dist. in yards.	Cub. yards.	Amount, cts.	Dist. in yards.	Cub. yards.	Price cts.	Amount, dol. cts.	Lift in feet.	Am't. dollars.	No.	Am't.		
Yds.	M. Y.			cts. dol. cts.										
409.4	2.5484	4035	43476	13				3059 01						8710 92
481.3	3.607				1816	313732		13502 06	1	8000				21502 06
353.3	5.621	2024	44247	16	619	311592		6854 98						13950 50
313.7	7.233	2823	32466	13	312	297446		6359 04						11556 80
232.5	8.130	2325	32727	16	495	3077013		4921 20	1	8000				18157 52
272.1	10.562	2541	34478	13	184	138081		2299 28						6891 42
417.1	12.177	4049	23370	16	145	380182		8370 56						12594 40
632.7	13.273	5909	11968	13	263	5065022		11143 00	1	8000	1	430		21128 84
219.3	14.713	1883	5983	16	305	1645816		2633 28						12316 16
184.6	15.840	1761	37773	16	135	2006232		4413 64						10457 32
227.0	16.133	2251	45135	16										7222 60
310.1	19.921	3101	41168	16										6591 68
125.9	20.303				1229	782052		17205 10	1	8000	1	250		25455 10
162.2	20.112	778	14567	16	224	258452		5685 90			2	240		8256 62
320.1	22.106	2817	25240	13	387	532941		8427 04			1	120		11834 74
178.3	24.139	3783	56723	16										9076 64
322.4	25.175	1145	17612	13	481	122452		9293 90			1	430		12013 46
607	26.153	1423	20869	13	179	127716		684 32			1	120		4811 19
168	27.923	1093	43874	16					3	24000	Aqueduct length 105 yds. \$19,900			50919 84
								104762 34		53000		1590		273147 81

Length of portion. Yds.  
 803  
 1020  
 2166  
 269  
 2665  
 944  
 7884  
 25593  
 11384  
 144734  
 1230  
 4213  
 330  
 11634  
 7253  
 11404  
 3764  
 15524  
 16314  
 18174  
 21984

SUNDRIES.		TOTAL.
		20342 36
		7517 76
		2072 20
		120 00
		4244 40
		18090 06
		17714 30
		35226 00
		1585 74
		384 80
		983 62
		22245 00
		9493 20
queduct	13,300	46667 88
queduct	5,500	43987 66
		16309 98
		9705 48
Dam cross the Maumee, gate and weir	13,800	
	32,600	412133 08

Price.	Am't	AVING.	SUNDRIES.	TOTAL.
60	1404			
		16047	76	
		1659	54	
		5267	90	
		708	32	
		3241	48	
		341	40	
		1287	70	
		9179	16	
		2559	60	
		8716	04	
		2469	54	
		1329	51	
		854	84	
		4170	82	
		813	50	
		2450	72	
		1202	08	
		10210	42	
		17502	38	
		811	54	
		10068	38	
		122972	70	

s.

Len  
o  
por

Yd  
  
14  
9  
19  
  
9  
26  
22  
11  
5  
3  
6  
38  
20  
26  
37  
38  
18

1404



*Eastern Section. Second Subdivision. From the crossing of the Maumee, to the head of the Rapids.*

EXCAVATION.						EMBANKMENT.				LOCKS.			WALLING.				CULVERTS.		PAVING.			SUNDRIES.		TOTAL.		
Length of portion	Distance on Sub-division.	Dist. in yards.	Cub. yards.	Price.	Amount.	Dist. in yards.	Cub. yards.	Price.	Amount.	No.	Lift in feet.	Am't.	Dist. in yards.	Cub. yards.	Price.	Am't.	No.	Am't.	Sq. yds.	Price.	Amount.					
Yds.	M.	Y.			dol. cts.			cts.	dol. cts.			dols.				dollars.										
Amount brought forward,					72857 44				23361 26			24000						1350			1404 00					
1428	16.	611	1268	87821	16	14051	36		160	14720	22	3238 40					3	1450	2671	60	1602 60			20342 80		
985	16.	1596	380	14028	16	2244	48		605	17151	22	3773 22					1	1500						7517 70		
1931	18.	7	1358	40157	16	6425	12		573	63714	22	14017 08												2072 20		
36	18.	44	36	600	20	120	00		60										500	60	300 00			120 00		
937	18.	981	937	24840	16	3974	40										1	270						4244 40		
2651	20.	112	1119	13895	16	3023	20		1532	59213	22	13026 86					3	2040						18090 06		
2244	21.	596	2137	81225	16	12996	00		107	15265	22	3358 30					2	340	1700	60	1020 00			17714 30		
110	21.	1602	1057	87180	10	8718	00						667	9486	2 50	23715	2	1473	2200	60	1320 00			35226 00		
517	22.	359	484	8903	16	1424	48		33	733	22	161 26												1585 74		
322	22.	681	322	3848	10	384	80																	384 80		
618	22.	1300	618	6874	13	893	62										1	90						983 62		
3848	24.	1628	3740	131895	16	21103	20		108	5190	22	1141 80												22245 00		
2099	26.	207	2099	55020	16	8803	20										6	690						9493 20		
2656	27.	1103	469	10715	16	1714	40		2121	137084	22	30158 48					2	1495						46667 83		
3763	29.	1347	3515	144287	16	2385	92		2488	29917	22	6581 74	1	8	8000		3	820				13,300		43987 66		
3890	31.	1718	3518	71635	16	11461	60		372	19129	22	4208 38					3	640						16309 98		
1821	33.	019	1721	29073	16	4651	68		100	5040	32	1108 80					1	300	6075	60	3645 00			9705 48		
					197932 90							32000						23715		12458			9291 60		32,600	412133 08

EXCAVATION.

Length of portion.	Distance in sub-division.	Dist. in yards.	Cub. yds.	Amount in cu. yds.
Yds.	M.	Y.		
403	2.	542	4033	4317613
403	3.	605		5651
358	5.	621	2524	4434716
313	7.	2364	2823	3246613
222	8.	1297	2325	3272716
272	10.	5624	2541	3447813
4121	12.	1177	4049	2639916
832	13.	2773	599	1196813
2193	14.	713	1883	5981316
1836	15.	849	1761	3777316
2250	16.	1333	2251	4513516
3601	19.	921	3101	4119816
1229	20.	303		6591
1022	20.	1412	763	1456716
3204	22.	1046	2517	2529013
1783	24.	1809	3783	5672916
623	25.	1175	1145	1761213
1007	26.	1558	1423	3081913
1198	27.	925	4043	4387416
				7019
				90895

TAL.

10 92  
22 06  
150 50  
56 80  
57 52  
91 42  
84 40  
28 84  
16 16  
57 32  
22 60  
91 68  
55 10  
56 62  
84 74  
76 64  
13 46  
1 19  
10 84  
17 87

TOTAL.	16047	76
	1659	54
	5267	90
	708	32
	3241	48
	341	40
	1287	70
	9179	16
	2559	60
	8716	04
	2469	54
	1329	51
	854	84
	4170	82
	813	50
	2450	72
	1202	08
	10210	42
	17502	38
	811	54
	10008	38
	122972	70





*Dr. Board of Canal Commissioners, in account current with the state of Indiana, Cr.*

**(A.)**

To cash:	\$1000 00	By amount paid for Stationary, (see voucher, No. 1.)	\$55 90
		" amount paid for provisions, for hands, camp-equipage, and transportation of baggage, (see voucher, No. 2.)	269 83
		" Hire of surveyor, clerks, and hands, (see voucher, No. 3.)	621 22
		" Cost of surveyor's compass and plating instruments, (see voucher, No. 4.)	79 00
		" David Burr, for services as Canal Commissioner 181 days, at \$2 00 per day, (see account rendered, No. 5.)	362 00
		" Samuel Hanna, for services as canal commissioner, 43 days, at \$2 00 per day, (see account rendered, No. 5.)	86 00
		" Jordan Vigus, for services as canal commissioner, 135 days, at \$2 00 per day, (see account rendered No. 5.)	270 00
Balance due, for which there is no appropriation.	746 964		
	\$1743 954		\$1743 964













